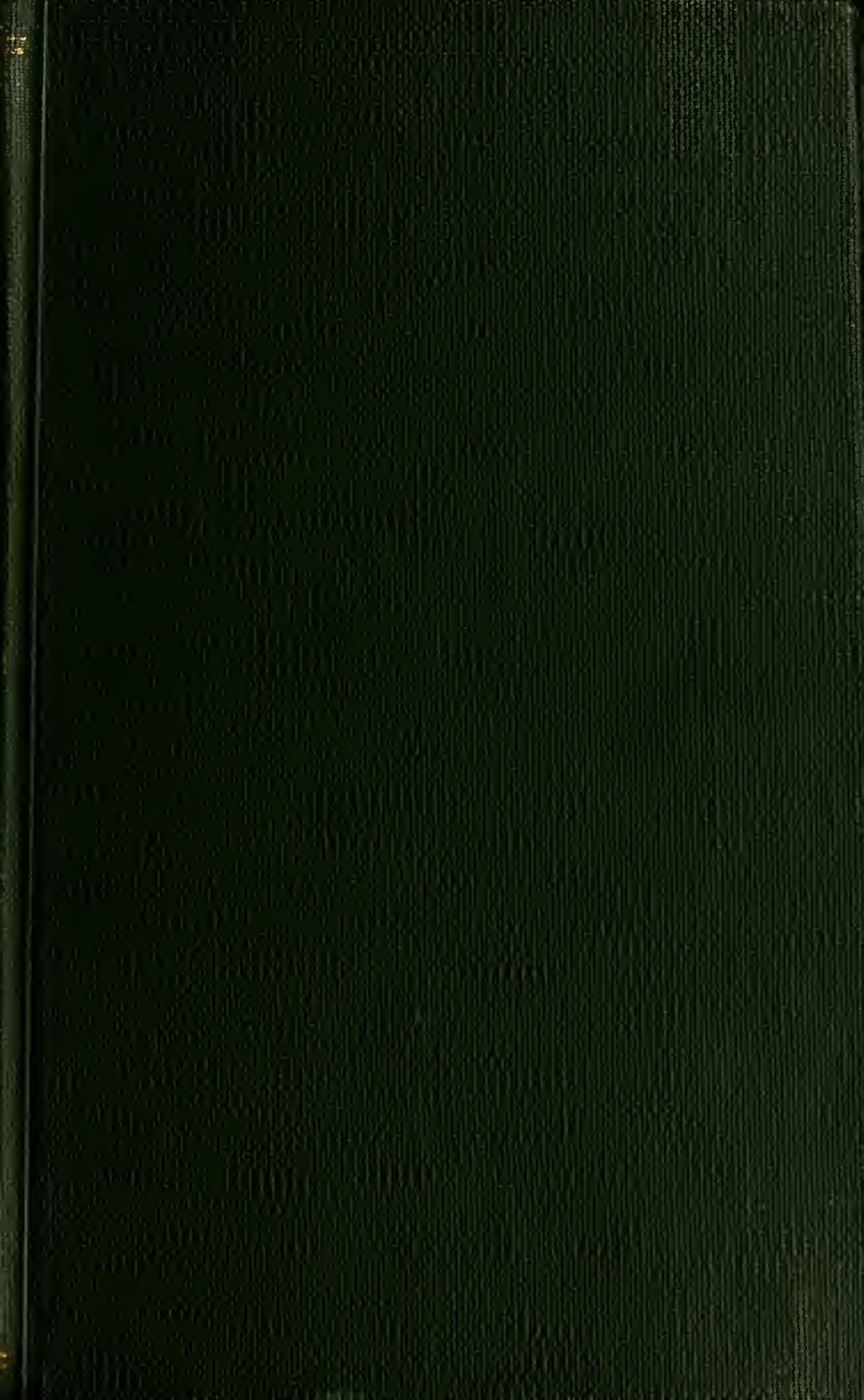




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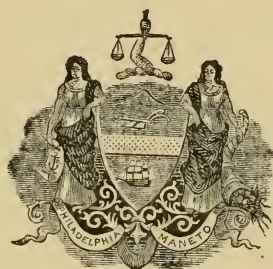
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ORDINANCES

OF THE

CITY OF PHILADELPHIA

From January 1 to December 31, 1912



AND

OPINIONS

OF THE

CITY SOLICITOR

PHILADELPHIA
DUNLAP PRINTING COMPANY, 1315-29 CHERRY STREET
1913

PAID BY
CITY OF PHILADELPHIA
1913

CERTIFICATE

CLERKS' OFFICE, SELECT AND COMMON COUNCILS.

Philadelphia, January 1, 1913.

WE HEREBY CERTIFY, That we have collated with and corrected by the original Ordinances on file in this Office the proof-sheets of the printed copies of this edition of the Ordinances of the City of Philadelphia, during the year ending December 31, 1912, and that the same are correct copies of the originals.

WILLIAM H. FELTON,
Chief Clerk of Common Council.

WILLIAM J. MILLIGAN,
Chief Clerk of Select Council.

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ORDINANCES

AN ORDINANCE

To provide for the transfer of unexpended balances appropriated or borrowed for school purposes to the use of the school authorities of the School District of Philadelphia, and authorizing the drawing and countersigning of a warrant or warrants for said purpose.

WHEREAS, By Act of Assembly approved the eighteenth day of May, 1911, entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," it was provided that from and after the beginning of the first school year following the approval of said Act, all the public school property in this Commonwealth now held, owned or possessed by any municipality for the use of any school district, or for school purposes, was thereby transferred and assigned to the proper school district established by said Act, and that at the beginning of the first school year succeeding the approval of the said Act, all the funds and personal property of any kind, including any funds or appropriations made by any municipality for such school district, should become the property of such district succeeding thereto;

AND WHEREAS, At the beginning of the school year succeeding the approval of said Act, to wit: on January 1, 1912, there will be in the City Treasury certain unexpended balances of money collected and appropriated for educational purposes, and also, certain unexpended bal-

ances of City loans created for school purposes; now, therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That in order to facilitate the transfer of said funds as directed by said Act of Assembly, the President of the Board of Directors of the School District of Philadelphia be, and he is hereby authorized to draw, on or after the first day of January, 1912, and the City Controller is authorized to countersign, a warrant or warrants upon the City Treasurer in favor of the Treasurer of the School District of Philadelphia for the said unexpended balances, and upon the drawing, countersignature and presentation of said warrant or warrants, the City Treasurer shall credit the amount thereof to the School District of Philadelphia, and shall hold the same as the Treasurer of the said School District of Philadelphia for school purposes and subject to the order of the proper school authorities.

Approved the eighth day of January, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To transfer the control and custody of Weccacoe Square Playground and certain employees from the Bureau of City Property (Department of Public Safety) to the Board of Recreation.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the control and custody of Weccacoe Square Playground, located in the Third Ward, bounded on the north by Catharine street, on the south by Queen street, between Fourth and Fifth streets, together with employees, to wit: One superintendent now attached, salary, eight hundred (\$800) dollars,

be and the same are hereby transferred from the Bureau of City Property (Department of Public Safety) to the Board of Recreation.

SECT. 2. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the ninth day of January, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Designating the open space in the center of Bainbridge street, between Third and Fifth streets, as the Edwin Shippen Plaza.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the open space in the center of Bainbridge street, between Third and Fifth streets, be, and the same is hereby designated and to be called Edwin Shippen Plaza.

Approved the ninth day of January, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Designating plot of ground bounded by Germantown avenue, Broad street, and Butler street, as "Sergeant Hamilton Fish Plaza," and permitting the erection of a monument, flag pole and guns.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the plot of ground

bounded by Germantown avenue, Broad street and Butler street be, and is hereby designated as "Sergeant Hamilton Fish Plaza," and that Sergeant Hamilton Fish Post No. 9, American Veterans of Foreign Service, be permitted to erect, without cost to the City, a monument, flag pole and guns.

Approved the ninth day of January, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Fifty-fourth, Forty-eighth, McKean, Pennsdale, Sansom, Sydenham, Twenty-third and Walnut streets; Snyder and Torresdale avenues; Mermaid lane and Pine road.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Department of Public Works be authorized to lay water pipe in Fifty-fourth street, from Larchwood avenue to Cedar avenue; Forty-eighth street, from Walnut street to Larchwood avenue; McKean street, from Twenty-third to Twenty-fourth street; Pennsdale street, from Ridge avenue to Mitchell street; Sansom street, from Sixty-second street to Cobbs Creek Parkway; Sydenham street, from Rockland to Loudon street; Twenty-third street, from Snyder avenue to Jackson street; Walnut street, from Sixty-second to Cobbs Creek Parkway; Snyder avenue, from Twenty-third to Twenty-fourth street; Torresdale avenue, from Vankirk to Oxford street, and from Oxford street to Frankford avenue; Mermaid lane, from St. Martin's lane to Huron street; Pine Road, from Hoffnagle street to Shady lane.

Approved the twenty-sixth day of January, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Mayor to enter into a lease with the Board of Managers of the Pennsylvania Museum and School of Industrial Art for plot of ground at the northeast corner of Broad street and Allegheny avenue, and to make an appropriation to pay the rental of said lot for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor be authorized to enter into a lease with the Board of Managers of the Pennsylvania Museum and School of Industrial Art for its plot of ground adjoining the northeast corner of Broad street and Allegheny avenue, with a frontage on Broad street of four hundred and nine (409) feet, more or less, and a frontage on Allegheny avenue of two hundred and sixty-five (265) feet, more or less, for a period of five years, at an annual rental equal to the taxes which may be from time to time assessed thereon during said term. The said lot of ground to be used for the erection of a temporary Convention Hall.

SECT. 2. That the sum of two thousand one hundred (2,100) dollars be, and the same is hereby appropriated to Item 46 in the annual appropriation to the Mayor, for the year 1912, to pay the rental of said lot of ground for the year 1912.

Approved the sixteenth day of February, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Mayor to enter into a contract for the erection of a temporary frame Convention Hall on the lot of ground at the northeast corner of Broad street

and Allegheny avenue, making an additional appropriation for the erection of said hall, and authorizing the leasing thereof when completed.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor be authorized to enter into a contract for the construction, under the supervision of the Department of Public Works, of a temporary frame Convention Hall on ground owned by the Pennsylvania Museum and School of Industrial Art, at the northeast corner of Broad street and Allegheny avenue; the said construction to be of such a character that it may be used for the purposes of a Convention Hall, for the assembly of large gatherings, expositions, and like purposes.

SECT. 2. That the additional sum of sixty thousand (60,000) dollars be, and the same is hereby appropriated to Item 20, in the annual appropriation to the Mayor, for the year 1912, for the erection of the said temporary frame Convention Hall.

SECT. 3. That the Mayor be authorized to enter into a lease for said Convention Hall with the Northeast Saengerbund in which to hold its Twenty-third National Saengerfest, from June 29 to July 4, 1912, under the auspices of the United Singers of Philadelphia, and to such other persons or organizations as desire to lease the same from time to time, at such rentals and upon such terms as may be agreed upon.

SECT. 4. That so much of all ordinances or parts of ordinances as prohibit the erection of frame buildings on said plot of ground at Broad street and Allegheny avenue be, and the same are hereby rescinded in so far as they may apply to the erection of said temporary Convention Hall.

Approved the sixteenth day of February, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To repeal an ordinance entitled "An Ordinance making it the duty of the Mayor to supervise and carry into effect Comprehensive Plans for the future development of the City of Philadelphia; providing for the appointment and regulating the powers, duties and procedure of a Permanent Committee to advise, assist and co-operate with him therein, and making an appropriation therefor," approved July 11, 1911.

WHEREAS, The said ordinance created a Permanent Committee to advise, assist and co-operate with the Mayor in carrying into effect the Comprehensive Plans for the future development of the City of Philadelphia, specified the organization of the Committee, and set forth its powers and duties;

AND WHEREAS, The Law Department of the City has advised that the Committee as at present created, by ordinance of July 11, 1911, is an illegal body, possessing powers conflicting with existing Departments of the City government:

SECTION 1. *The Select and Common Councils of the City of Philadelphia do 'ordain*, That said ordinance entitled "An Ordinance making it the duty of the Mayor to supervise and carry into effect Comprehensive Plans for the future development of the City of Philadelphia; providing for the appointment and regulating the powers, duties and procedure of a Permanent Committee to advise, assist and co-operate with him therein, and making an appropriation therefor," approved the eleventh day of July, 1911, be, and the same is hereby repealed.

Approved the seventeenth day of February, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Making it the duty of the Director of the Department of Public Works to study and develop Comprehensive Plans for the future development of the City of Philadelphia; providing for the appointment and regulating the powers, duties and procedure of a Permanent Committee on Comprehensive Plans to advise, assist and co-operate with the Director of the said Department, and making an appropriation for the payment of the salaries of the employees and the maintenance of the said Committee.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it shall be the duty of the Director of the Department of Public Works to study, plan, suggest and develop Comprehensive Plans for the future development of the City of Philadelphia.

SECT. 2. A Permanent Committee on Comprehensive Plans to advise, assist and co-operate therein with the Director of the Department of Public Works shall be created. The Mayor shall be *ex-officio* a member of the said Committee, which shall in addition consist of the Director of the Department of Public Works, *ex-officio*, the Chief of the Bureau of Surveys, *ex-officio*, the Presidents of the Select and Common Councils, *ex-officio*, the President of the Fairmount Park Commission, *ex-officio*, the Chairman of the Finance Committee of Councils, *ex-officio*, and of ten citizens who shall be appointed by the Mayor. The terms of the ten citizens first appointed shall end on the first Monday in December, 1913, and thereafter the term of the appointive members of the said Committee shall be for two years. The Committee shall organize immediately upon the appointment of its members; it shall make such rules and regulations as may be deemed necessary for the purposes for which it is appointed and shall hold stated or special meetings at such times or on such notice as it may by resolution provide. The Mayor shall be the Chairman of the said Committee and preside at all meetings. Minutes of the meetings of the Committee shall be kept and permanently recorded.

SECT. 3. The duties of the said Committee are to act as an Advisory Board to the Director of the Department of Public Works, and to advise and suggest to the Mayor and the Director such plans or suggestions for the physical and material improvement of the City as may seem to the said Committee proper and best adapted for the future development of the City along comprehensive lines. The said Committee for this purpose shall have power to suggest changes in existing plans, and from time to time suggest the adoption or develop further plans for suggestion. No rule, regulation, power or act of the Committee shall in any wise conflict with or usurp the powers or duties vested by law in any Department or Bureau of the City Government as at present established, but the said Committee is solely empowered to act as an Advisory Committee, offering suggestions for consideration by the proper executive officials whose duty it would be to carry out such suggestions if deemed advisable and legally authorized.

SECT. 4. The Director of the Department of Public Works is empowered to appoint a secretary of the Committee on Comprehensive Plans at a salary of two thousand five hundred (2,500) dollars per annum, said appointment to date from January 1, 1912, and to appoint civil, mechanical, hydraulic, sanitary, landscape, architectural and consulting engineers, gardeners, architects, experts, advisers, assistants and such other employees as may be necessary to further the object for which the said Committee is created.

SECT. 5. There is hereby appropriated to the Department of Public Works (Director's Office): To Item 6, for the Committee on Comprehensive Plans, for the year 1912, for the salary of the secretary, two thousand five hundred (2,500) dollars; for salaries of engineers, experts, and other employees, as above enumerated, six thousand five hundred (6,500) dollars; and for postage, transportation, hire of vehicles, cleaning offices, telephone, telegraph and messenger service, books, periodicals, stationery and other incidental expenses, one thousand (1,000) dollars; total, ten thousand (10,000) dollars.

SECT. 6. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the seventeenth day of February, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Class & Nachod Brewing Company to lay and maintain a railroad siding or turnout, carried by a bridge across and over Montgomery street, from their property situate at the northeast corner of Tenth and Montgomery streets, to connect with the elevated tracks of the Philadelphia and Reading Railway Company, at a point about seventy-five (75) feet south of the south house line of Montgomery street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That permission be, and is hereby granted to the Class & Nachod Brewing Company, to lay and maintain a railroad siding or turnout, carried by a bridge, across and over Montgomery street with two columns or posts within the curb line on both sides of said Montgomery street, in order to connect their property, situate at the northeast corner of Tenth and Montgomery streets, with the elevated tracks of the Philadelphia and Reading Railway Company at a point about seventy-five (75) feet south of the south house line of Montgomery street, the clearance under said bridge structure to be not less than fourteen (14) feet. Before exercising any privileges under this ordinance the said Class & Nachod Brewing Company shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the construction and maintenance of the said siding and bridge and the said siding and bridge shall be constructed under the supervision and direction of the Department of

Public Works (Board of Highway Supervisors) and shall be removed upon the passage of an ordinance to that effect without any expense to the City of Philadelphia and without any recourse for damage against the said City, either property, personal or otherwise, and the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance: *Provided*, That the said Class & Nachod Brewing Company shall maintain, at their own expense, one electric arc light beneath said siding or elevated structure until the removal of said structure.

Approved the seventeenth day of February, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Relative to extending an invitation to the Committees on Naval Affairs and Rivers and Harbors of the United States Congress to visit Philadelphia, to examine into the merits of the Philadelphia Navy Yard and the deepening of the channel of the Delaware river, and suspending Joint Rule No. 30 of the Select and Common Councils.

WHEREAS, It appears in the public prints that the Committees of the United States Congress on Naval Affairs and improvement of the Delaware river have under consideration appropriations for these purposes, and in view of this fact, it is deemed wise and expedient that our City should manifest an interest in the favorable consideration of these matters that are of so much importance to the welfare of our City; therefore, be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That his Honor the Mayor, along with the Joint Special Committee of Councils and Citizens' Committee, extend to the above named Congressional

Committees a cordial invitation to visit our City at a time convenient to them, so that they may have an opportunity to view the river and see the worth of the Philadelphia Navy Yard and its value to the Government as a naval station; and be it further

Resolved, That the expense incident to the visit be taken out of Item 7 in the annual appropriation to the Clerks of Councils for the year 1912, and that Joint Rule No. 30 of the Select and Common Councils be suspended for the purpose of enabling the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Approved the first day of March, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of a new footbridge on the line of Montgomery street, west of Second street, over American street and the tracks of the North Pennsylvania Railroad, and the work appurtenant thereto, setting aside money to pay the cost thereof and providing for carrying into effect such authority.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized and directed to advertise for proposals and to award contract, as provided in existing ordinances and laws, for the construction of a new footbridge on the line of Montgomery street over American street and the tracks of the North Pennsylvania Railroad, including the work appurtenant thereto, in accordance with plans and specifications to be prepared by the Department of Public Works (Bureau of Surveys), and he is also authorized to appoint

assistants and inspectors as may be requisite and to pay all expenses for salaries, soundings, inspection, tests, transportation and incidental expenses not otherwise provided for out of the amount appropriated for the cost of said work.

SECT. 2. That the sum of fifteen thousand (15,000) dollars be, and is hereby set aside from the unexpended balances remaining in Item 16 of appropriation to the Bureau of Surveys, for the year 1912, to pay the cost of constructing said bridge and the work appurtenant thereto.

Approved the seventh day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the Pennsylvania Railroad Company to erect safety gates at Ashburner street and the Pennsylvania Railroad, and at Linden avenue and the Pennsylvania Railroad in the Forty-first Ward.

WHEREAS, An ordinance approved the eighth day of September, 1881, and amended the sixteenth day of May, 1910, entitled "An Ordinance to provide for the erection of gates and maintenance of flagmen by railroad companies across streets and roads in the City of Philadelphia crossing their respective tracks at grade" provide for the erection of safety gates, and

WHEREAS, Owing to the recent loss in life and the dangerous conditions surrounding these crossings; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Pennsylvania Railroad Company be, and is hereby directed to erect safety gates at Ashburner street and the Pennsylvania Railroad, and at Linden avenue and the Pennsylvania

Railroad in the Forty-first Ward, in compliance with an ordinance approved the eighth day of September, 1881, and amended the sixteenth day of May, 1910, entitled "An Ordinance to provide for the erection of gates and maintenance of flagmen by railroad companies across streets and roads in the City of Philadelphia crossing their respective tracks at grade.

Approved the seventh day of March, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Philadelphia and Reading Railway Company to construct, operate and maintain a siding or turnout across Twenty-third street, south of Arch street, in the Ninth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be and is hereby granted the Philadelphia and Reading Railway Company to construct, operate and maintain a siding or turnout from their property at the southwest corner of Twenty-third and Arch streets, across Twenty-third street to and into the property of the Larkin Company of Pennsylvania, in the Ninth Ward, as shown on plan on file in the Department of Public Works (Bureau of Surveys): *Provided*, That the said siding or turnout shall be laid under the supervision and direction of the Department of Public Works (Board of Highway Supervisors) and shall be removed upon the passage of an ordinance to that effect without any recourse against the City for damages, either property, personal or otherwise, and that the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the seventh day of March, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Safety, Public Health and Charities, Mayor, City Controller, Inspectors of County Prisons, Recorder of Deeds and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and eighty-eight thousand five hundred and thirty-five (188,535) dollars be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Health and Charities, Mayor, City Controller, Inspectors of County Prisons, Recorder of Deeds and City Treasurer, for the year 1912, viz.: Department of Public Safety (Bureau of Police): To Item 29 (new), for repairs to the police and fire boats, fifteen thousand five hundred (15,500) dollars; to Item 30 (new), for installation and maintenance of a plant for printing circulars, etc., one thousand five hundred (1,500) dollars. (Bureau of Fire): To Item 1, so as to provide for a stenographer and typewriter, at rate of nine hundred (900) dollars per annum, said appointment to date from February 1, eight hundred and twenty-five (825) dollars. (Electrical Bureau): To Item 22 (new), for renewal of police and fire alarm cable, etc., from Broad street and Germantown avenue to Haines street and Germantown avenue, four thousand five hundred (4,500) dollars. (Bureau of City Property): To Item 1, so as to provide for two superintendents of public baths, at six hundred (600) dollars per annum each, one thousand two hundred (1,200) dollars; to Item 68 (new), for completing the erection and equipment of a Crematorium, four thousand (4,000) dollars; to Item 69 (new), for rental of property on the west side of Second street, 278 feet north of Lehigh avenue, one thousand three hundred and fifty (1,350) dollars: *Provided*, That upon payment of said sum, the City be given a release from all obligations in connection with said premises; to Item 70 (new), for renewing roof of City Hall, thirty-five thousand (35,000) dollars. De-

partment of Public Health and Charities (Bureau of Charities): To Item 39, so as to provide for salary of chauffeur, from January 1, 1912, nine hundred (900) dollars. Mayor: To Item 44 (new), toward the purchase of an automobile, three thousand (3,000) dollars. City Controller: To Item 7 (new), for alterations, repairs and equipment of offices, fifty thousand (50,000) dollars. Inspectors of County Prisons (Reed Street Prison): To Item 1, for flour, one thousand (1,000) dollars; to Item 2, for beef, mutton and pork, one thousand five hundred (1,500) dollars; to Item 3, for groceries and provisions, five hundred (500) dollars; to Item 4, for vegetables, one thousand (1,000) dollars; to Item 10, for stationery and printing, fifty (50) dollars; to Item 11, for combs, brooms and brush material, two hundred (200) dollars; to Item 14, for miscellaneous expenses, five hundred (500) dollars; to Item 15, for fuel, one thousand (1,000) dollars; to Item 16, for clothing and bedding, five hundred (500) dollars; to Item 17, for repairs and improvements, five hundred (500) dollars; to Item 18, for salaries, so that the salary of the keeper in charge of the Court calendar may be at the rate of one thousand two hundred (1,200) dollars per annum from April 1, 1912, two hundred and twenty-five (225) dollars; to Item 19, for electric lighting plant, five hundred (500) dollars; to Item 23, for advertising, fifty (50) dollars; to Item 26 (new), for renewal of machinery in electric light plant, five thousand (5,000) dollars. (Holmesburg Prison): To Item 1, for flour, two thousand (2,000) dollars; to Item 2, for beef, mutton and pork, two thousand five hundred (2,500) dollars; to Item 3, for groceries and provisions, one thousand (1,000) dollars; to Item 4, for vegetables, one thousand five hundred (1,500) dollars; to Item 5, for milk and ice, four hundred (400) dollars; to Item 6, for compressed yeast, one hundred and twenty-five (125) dollars; to Item 8, for drugs and hospital supplies, two hundred (200) dollars; to Item 9, for hay, feed and straw, fifty (50) dollars; to Item 10, for stationery and printing, one hundred and fifty (150) dollars; to Item 11, for brooms, combs and brush material, two hundred (200) dollars; to Item 14, for miscellaneous ex-

penses, five hundred (500) dollars; to Item 15, for fuel, two thousand (2,000) dollars; to Item 16, for clothing and bedding, one thousand five hundred (1,500) dollars; to Item 17, for repairs and improvements, including new roof on enclosure wall, three thousand (3,000) dollars; to Item 18, for salaries, so that the salary of the clerk may be at the rate of one thousand five hundred (1,500) dollars per annum, and the salary of the keeper who acts as registrar may be at the rate of one thousand two hundred (1,200) dollars*per annum, from April 1, 1912, six hundred (600) dollars; to Item 19, for electric light plant, three hundred (300) dollars; to Item 24, for advertising, one hundred (100) dollars; to Item 26 (new), for hospital for prisoners afflicted with tuberculosis, five thousand (5,000) dollars. Recorder of Deeds: To Item 1, so as to provide for three assistant custodians of records, at the rate of nine hundred (900) dollars each per annum, from March 1, two thousand two hundred and fifty (2,250) dollars; to Item 3, for blank books, etc., five thousand (5,000) dollars; to Item 4, for incidentals, seven hundred (700) dollars; to Item 6 (new), for alteration, repairs and equipment of record rooms, twenty-four thousand nine hundred (24,900) dollars; to Item 7 (new), for painting and finishing, three thousand (3,000) dollars. City Treasurer: To Item 21 (new), for repairs to vault doors and bronze grille work and office furnishing, one thousand two hundred and sixty (1,260) dollars.

Approved the eleventh day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Benezet, Blair, Carpenter, Webster, Lambert, Hanson and Upshur streets and Windrim avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Benezet street, of the width of forty feet, from Ardleigh street to Cresheim Valley Drive; Blair street, of the width of thirty-four feet, from Montgomery street southwest to the line of property of the Philadelphia and Trenton Railroad Company; Carpenter and Webster streets, each of the width of sixty feet, from Sixty-second street to Cobbs Creek Parkway; Lambert street, of the width of fifty feet, from Porter to Shunk street; Hanson street, of the width of fifty feet, from Walnut to Locust street; Upshur street, as now opened and built upon, from New Market street eastward to the dead end; Windrim avenue, of the width of sixty feet, from Twentieth street to Wayne avenue: *Provided*, That before the said Blair and Upshur streets shall be placed on the plan, satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that said streets have been opened and used for a period of at least twenty-one years prior to May 3, 1909; and before said Carpenter, Lambert and Hanson streets shall be placed on the plan, the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors; and before said Webster street shall be placed on the plan, the owners of at least nine-tenths of the bed of the street shall, within one year from the approval of this ordinance, dedicate the same to the City on the lines and grades as confirmed by the Board of Surveyors.

Approved the fourteenth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To extend the time within which the beds of Prentice, Daggett, Sixty-fifth, Simpson, Haddington and Jefferson streets may be dedicated to the City.

WHEREAS, By ordinance approved the tenth day of August, A. D. 1910, the Department of Public Works (Board of Surveyors) was authorized and directed to place on the City plan the following streets, to wit: Prentice, Daggett, Sixty-fifth, Simpson, Haddington and Jefferson: *Provided*, That before said streets should be placed on said plan, the owners of property within the lines thereof should within one year from the approval of the ordinance dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or should indemnify the City against all damages or claims for damages which might arise from placing said streets on the plan and their subsequent opening to confirmed lines and grades;

AND WHEREAS, By ordinance approved the tenth day of November, A. D. 1910, the former ordinance with respect to the width of Daggett street was amended;

AND WHEREAS, It was found impossible, on account of the absence of Frederic Courtland Penfield and of Anne W. Penfield from the country, to dedicate said streets to the City within the time limits set by the aforesaid ordinance; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the time within which dedication to the City of Philadelphia of the beds of Prentice street, between Lansdowne and Lebanon avenues; of Daggett street, between Lansdowne and Lebanon avenues; of Daggett street, between Lebanon and Malvern avenues; of Sixty-fifth street, between Lansdowne and Lebanon avenues; of Sixty-fifth street, between Lebanon and Malvern avenues; of Simpson street, between Lansdowne and Lebanon avenues; of Simpson street, between Lebanon and Malvern avenues; of Haddington street, between Sixty-fourth and Prentice streets; and of Jef-

erson street, between Sixty-fourth and Daggett streets, was to have been made in accordance with the ordinances approved August 10, 1910, and November 10, 1910, respectively, be, and the same is hereby extended for a further period not to exceed sixty days from the official approval of this ordinance, so as to enable the Board of Surveyors to approve said deed of dedication within said sixty days.

Approved the fourteenth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the boundaries of Morris Park.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the boundaries of Morris Park in conformity with the terms and conditions of an ordinance approved the second day of December, 1911, entitled "An Ordinance to authorize the acceptance of an offer made by the Girard Trust Company et al., Trustees, to dedicate and convey to the City of Philadelphia land contained within the boundaries of Morris Park and streets and avenues in the Thirty-fourth Ward in the neighborhood thereof, upon terms and conditions contained in said offer; and directing the City Solicitor to prepare and have executed the necessary deeds and other instruments, in writing, to carry such offer into effect."

Approved the fourteenth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To repeal portion of ordinance approved December 2, 1911, entitled "An Ordinance to place on the City plan as a public park certain tracts of land in the Thirty-fourth Ward, as additions to Cobbs Creek Park and Morris Park, and to make the necessary revision of lines and grades of streets."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That so much of the ordinance approved December 2, 1911, entitled "An Ordinance to place on the City plan as a public park certain tracts of land in the Thirty-fourth Ward, as additions to Cobbs Creek Park and Morris Park, and to make the necessary revision of lines and grades of streets," as reads as follows: "Also, beginning at the north corner of Lansdowne avenue and Race street; thence northward along the northeast side of Race street to City avenue; thence southwestward along City avenue to the northeast line of Arch street; thence southeastward along the northeast line of Arch street to the northwest side of Lansdowne avenue; thence northeastward along the northwest side of Lansdowne avenue to the place of beginning," be, and the same is hereby repealed.

Approved the nineteenth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an additional appropriation to the Department of Supplies, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four hundred thousand (400,000) dollars be, and the same is hereby appropriated to the Department of Supplies,

for the year 1912, viz.: (Department of Supplies, Director's Office): To Item 2, for stationery, postage, printing, etc., nine thousand five hundred (9,500) dollars; to Item 2½, for extra clerk hire, two thousand five hundred (2,500) dollars. (Civil Service Commission): To Item 5, for stationery and printing, eight hundred (800) dollars. (Law): To Item 6, for blank books, stationery, paper books, etc., one thousand seven hundred (1,700) dollars. (Taxes): To Item 7, for blank books, stationery, printing, etc., three thousand five hundred (3,500) dollars. (Health): To Item 2, for stationery, printing, etc., one thousand (1,000) dollars; to Item 5, for disinfecting material, two thousand (2,000) dollars; to Item 7, for clothing, bedding, furniture, etc., three thousand (3,000) dollars; to Item 8, for fuel, five thousand (5,000) dollars; to Item 11, for food and bedding for horses, etc., three thousand (3,000) dollars. (Charities): To Item 13, for stationery, printing, paper, etc., one thousand (1,000) dollars; to Item 16, for groceries, vegetables, etc., ten thousand (10,000) dollars; to Item 19, for furniture, crockery, etc., one thousand five hundred (1,500) dollars; to Item 20, for fuel, ten thousand (10,000) dollars; to Item 24, for tools and materials, etc., five thousand (5,000) dollars. (Public Safety, Director's Office): To Item 1, for stationery, law books, and supplies, five hundred (500) dollars. (Police): To Item 2, for printing, stationery, blanks, etc., four thousand (4,000) dollars; to Item 6, for fuel and ice at offices, etc., ten thousand (10,000) dollars. (Correction): To Item 17, for flour, feed, meats, etc., four thousand five hundred (4,500) dollars; to Item 18, for tobacco, soap, oil and starch, one thousand (1,000) dollars; to Item 26, for fuel for buildings and gas works, five thousand (5,000) dollars; to Item 30, for boilers and cauldrons, three hundred (300) dollars. (Fire): To Item 31, for printing, stationery and supplies, two hundred (200) dollars; to Item 32, for straw and feed, ten thousand (10,000) dollars; to Item 35, for fuel, etc., ten thousand (10,000) dollars. (Electrical): To Item 42, for stationery, printing and supplies, one thou-

sand (1,000) dollars; to Item 43, for general supplies, one thousand (1,000) dollars; to Item 45, for acids, batteries, etc., eight hundred (800) dollars; to Item 47, for instruments and materials, etc., five hundred (500) dollars; to Item 48, for materials and instruments, etc., three hundred (300) dollars. (Elevator Inspection): To Item 55, for printing, stationery, books, etc., one thousand (1,000) dollars. (City Property): To Item 58, for printing, blank books, stationery, etc., five hundred (500) dollars; to Item 62, for flags, flag staffs, etc., three hundred (300) dollars. (Highways): To Item 2, for printing, stationery and supplies, five thousand (5,000) dollars; to Item 4, for lumber, tools, etc., for repairs to bridges, sewers and inlets, fifteen thousand (15,000) dollars; to Item 5, for lumber, tools, etc., for repairs to streets, seven thousand five hundred (7,500) dollars; to Item 6, for lumber, sand, cement, etc., for repairs to streets, etc., not occupied by passenger railway tracks, seven thousand five hundred (7,500) dollars. (Water): To Item 14, for stationery, office and engineers' supplies, etc., three thousand (3,000) dollars; to Item 15, for coal and hauling same, two hundred thousand (200,000) dollars; to Item 16, for oil, lubricants, etc., eight thousand (8,000) dollars; to Item 18, for hardware, etc., fifteen thousand (15,000) dollars; to Item 20, for chandlery, etc., four thousand (4,000) dollars; to Item 21, for wrought iron pipe and fittings, two thousand (2,000) dollars; to Item 22, for fire brick and fire clay, one thousand (1,000) dollars; to Item 23, for brass fittings and castings, etc., five thousand (5,000) dollars; to Item 25, for lumber, two thousand (2,000) dollars; to Item 26, for forage, one thousand (1,000) dollars; to Item 27, for iron and steel, one thousand (1,000) dollars; to Item 28, for cement, bricks, blocks, lime, etc., one thousand (1,000) dollars; to Item 29, for electrical supplies, one thousand (1,000) dollars; to Item 33, for special articles and small stores, one thousand (1,000) dollars. (Wharves, Docks and Ferries): To Item 1, for stationery, printing, etc., one thousand (1,000) dollars. (Ice Boats): To Item 3, for dry stores, groceries and

supplies, eight hundred (800) dollars; to Item 5, for fuel, four thousand (4,000) dollars; to Item 6, for provisions, three hundred (300) dollars. (Dredging Plant): To Item 7, for fuel, two thousand (2,000) dollars; to Item 8, for dry stores and groceries, one thousand five hundred (1,500) dollars.

Approved the twenty-third day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an additional appropriation to the Department of Public Works (Bureau of Highways), for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and two thousand four hundred (202,400) dollars be, and the same is hereby appropriated to the Department of Public Works (Bureau of Highways), for the following purposes: To Item 62, for the maintenance of unpaved and macadamized public highways, small bridges, drains and steps during the year 1912, including the furnishing, delivering, spreading and rolling of broken stone and screenings, and the hauling of ashes from the Shawmont and Roxborough Pumping Stations, and spreading the same on the roads of the Twenty-first and Twenty-second Wards, west of the Wissahickon Drive.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-fifth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils, Coroner, Receiver of Taxes and Register of Wills, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and forty-one thousand seven hundred and fifteen (141,715) dollars and ninety-five (95) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils, Coroner, Receiver of Taxes and Register of Wills, for the year 1912, viz.:

Department of Public Safety (Bureau of Police): To Item 2, for removal of ashes and rubbish, one thousand five hundred (1,500) dollars; Bureau of Fire: To Item 6, for removal of ashes and rubbish, one thousand (1,000) dollars; Bureau of City Property: To Item 13, for labor and other expenses in squares, etc., to be used for removal of ashes and rubbish, five thousand (5,000) dollars; to Item 17, for removing ice and snow from pavements in front of State House Row, public halls and squares, one thousand two hundred (1,200) dollars; to Item 26, for maintenance of City Hall, etc., to be used for removal of ashes and rubbish, seven thousand five hundred (7,500) dollars; to Item 26½ (new), to pay bills of Chas. T. Groswith, for the removal of ashes, rubbish and snow from City Hall, public squares, Morgue and other City property, two thousand six hundred and eighteen (2,618) dollars, and to pay bills of superintendents of public squares for the removal of snow, representing money actually already paid out by said superintendents, two thousand four hundred (2,400) dollars; total, five thousand and eighteen (5,018) dollars.

Department of Public Works (Bureau of Highways): To Item 61, to pay bills of Cunningham Paving and Con-

struction Company, for paving Fountain street, between Ridge avenue and Sheldon street, in names of Frederick Fox, Charles Schaffer, J. Dobson Hagy and William J. Hendren, one thousand three hundred and twenty-nine (1,329) dollars and forty-two (42) cents; to pay bill of Cunningham Paving and Construction Company, for paving Trenton avenue, between Somerset and Cambria streets (right-of-way of the Pennsylvania Railroad), six thousand three hundred and fifteen (6,315) dollars and twenty (20) cents; total, seven thousand six hundred and forty-four (7,644) dollars and sixty-two (62) cents; to Item 16, for improving the water courses in the Twenty-sixth, Thirty-sixth, Thirty-ninth and Fortieth Wards, two thousand five hundred (2,500) dollars. Bureau of Surveys: To Item 13, for construction of branch sewers, etc., eight hundred (800) dollars. Bureau of Water: To Item 25, for extending water main on Penrose Ferry road, from Twentieth street, southwestward, thirteen thousand (13,000) dollars; and for the purchase of water pipe and accessories, to be laid in Tinicum Island road, from Buist street to south of Ninetieth street, Fortieth Ward, fifteen thousand (15,000) dollars.

Department of Supplies: To Item 1, so as to provide for the salaries of four inspectors, at the rate of one thousand two hundred (1,200) dollars each per annum; confidential clerk, who must be a stenographer and typewriter, at the rate of one thousand two hundred (1,200) dollars per annum; and bookkeeper, at the rate of one thousand (1,000) dollars per annum, said appointments to date from March 1, five thousand eight hundred and thirty-three (5,833) dollars and thirty-three (33) cents. (Mayor): To Item 2½ (new), for purchase of chairs for Convention Hall, fifteen thousand (15,000) dollars.

Mayor: To Item 45, to pay commission of Carl P. Berger, architect of temporary Convention Hall, seven thousand three hundred and twenty (7,320) dollars.

Clerks of Councils: To Item 4, for advertising, etc., five hundred (500) dollars; to Item 8, to pay salaries of three office boys, one for Select Council and two for

Common Council, one thousand two hundred (1,200) dollars.

Coroner: To Item 2, for stationery, transportation, printing and supplies, three hundred (300) dollars; to Item 5, for witnesses, jury fees and burials, two thousand (2,000) dollars; to Item 7, for keep of horses, etc., four hundred (400) dollars.

Receiver of Taxes: To Item 5, for advertising, etc., four thousand (4,000) dollars; to Item 7, for fuel and lighting, etc., one thousand (1,000) dollars; to Item 9, for salaries of extra clerks, etc., fifteen thousand (15,000) dollars; to Item 13 (new), for transportation, to visit and inspect eight branch offices and thirty-seven deputy collectors' offices, one thousand (1,000) dollars.

Register of Wills: To Item 6 (new), to pay for extensions, alterations, steel cases, office fixtures, electric light fixtures, twenty-eight thousand (28,000) dollars.

Approved the twenty-eighth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Commissioners of Fairmount Park, for the construction and maintenance of a Public Aquarium in Fairmount Park, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of twenty-three thousand seven hundred (23,700) dollars is hereby appropriated to the Commissioners of Fairmount Park, for the year 1912.

To Item 21 (new), for the construction, equipment and maintenance of a Public Aquarium in Fairmount Park: For salaries, viz.: Director, three thousand (3,000) dollars per annum; office assistant and stenographer, one

thousand (1,000) dollars per annum; ten attendants (six day and four night), eight hundred (800) dollars each per annum; pumpman, nine hundred (900) dollars per annum; two lavatory attendants, seven hundred and twenty (720) dollars each per annum; total, ten thousand four hundred and fifty (10,450) dollars; said appointments to date from January 15, 1912.

For construction, viz.: Filling and raising the present floor in one pumping house with cinders, laying cement floor and building a filter bed for salt water, two thousand five hundred (2,500) dollars; gasoline engine, salt and fresh water pumps and refrigerating plant, two thousand five hundred (2,500) dollars; tanks for salt water fish and seal pool, two thousand five hundred (2,500) dollars; partition walls, five hundred (500) dollars; supply pipes for salt and fresh water, one thousand (1,000) dollars; skylights, one thousand (1,000) dollars.

For maintenance, viz.: Purchase of fish, supplies, transportation, incidentals, etc., three thousand two hundred and fifty (3,250) dollars.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-ninth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, City Commissioners, City Controller, Clerks of Councils, Law and Prothonotary, to pay bills for supplies and materials furnished and incurred prior to January 1, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seven hun-

dred and sixty-three thousand seven hundred and fifty-one (763,751) dollars and seventy-four (74) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, City Commissioners, City Controller, Clerks of Councils, Law and Prothonotary, to pay bills for supplies and materials furnished and incurred prior to January 1, 1912, viz.:

Department of Public Works (Director's Office): To Item 1½ (new), to pay bills as follows: North Philadelphia Auto Station, maintenance and repair of automobiles, one hundred and fifty-three (153) dollars and thirty-seven (37) cents; Willard F. Kerr, automobile supplies, fifty-nine (59) dollars and seventy-one (71) cents; Continental Rubber Tire Company, tire, sixty-four (64) dollars and twenty-five (25) cents; McKeever Bros., maintenance and repairs to automobiles, two hundred and six (206) dollars and thirty-one (31) cents; American Garage and Machine Shop, repairs to automobiles, two hundred and seventy-eight (278) dollars and sixty (60) cents; total, seven hundred and sixty-two (762) dollars and twenty-four (24) cents. Bureau of Highways: To Item 1½ (new), to pay bills as follows: Vulcanite Paving Company, for repairs to Broad street, from Columbia avenue to Diamond street, eight hundred and sixty-one (861) dollars and thirty-two (32) cents; E. H. Vare, repaving ditches on Market street, three hundred and seventy-two (372) dollars and ninety-five (95) cents; George W. Shisler, repairing ditches, thirty-two (32) dollars and thirty-seven (37) cents; American Paving and Construction Co., repaving ditches, twenty-one (21) dollars and sixty-four (64) cents; Harry Brocklehurst, repaving ditches, three (3) dollars and seventy-seven (77) cents; J. J. McHugh, removing obstructions, fourteen (14) dollars: North Philadelphia Auto Station, repairing automobile, one hundred and eighty-one (181) dollars and twenty-five (25) cents; Philadelphia Item, advertising, thirty-five (35) dollars and twenty-five (25) cents; Philadelphia Inquirer, advertising, one hundred and seventy-nine (179) dollars and twenty-five (25) cents; Barber

Asphalt Paving Co., resurfacing Broad street, from South Penn Square to Chestnut street, seven hundred and eighty-nine (789) dollars and seventy-seven (77) cents; J. T. Ward & Son, repairs to bridge, Frankford, four hundred and seventy-nine (479) dollars and fifty-seven (57) cents; George F. Snyder & Co., repaving adjacent to curved curbing, eleven (11) dollars and seventy-one (71) cents; C. P. O'Connor, repaving ditches, four (4) dollars and fifty-four (54) cents; Cunningham Paving and Construction Co., repaving ditches, four (4) dollars and thirty-two (32) cents; McNichol Paving and Construction Co., repaving ditches, five (5) dollars and forty-six (46) cents; Arthur McGinn, repairs to footways, twenty (20) dollars and twenty-three (23) cents; R. P. Bennis, repairs to roads, eight hundred and fifty-seven (857) dollars and forty-four (44) cents; James Irvin, stoning River road, five hundred and twenty-one (521) dollars and eighty-one (81) cents; Pennsylvania Railroad, repairs to bridge at Seventy-first street, one hundred and ninety-one (191) dollars; Barber Asphalt Paving Co., resurfacing asphalt, fifty-five (55) dollars and ten (10) cents; American Paving and Construction Co., setting curved curb, two (2) dollars and three (3) cents; Deemer & Jaisohn, paper, nine (9) dollars; total, four thousand six hundred and fifty-three (4,653) dollars and seventy-eight (78) cents. Bureau of Water: To Item 11½ (new), to pay bills as follows: Wetzel Mechanical Stoker Co., repair parts and freight for stokers at Lardners Point, two thousand five hundred and thirty-one (2,531) dollars and thirty-one (31) cents; Costello & Seamon, lumber for repairs to Eva street break, three hundred and forty-three (343) dollars and ninety-six (96) cents; I. P. Morris Co., repairs to No. 7 engine at Belmont Pumping Station, six hundred and fifteen (615) dollars and seventy-eight (78) cents; total, three thousand four hundred and ninety-one (3,491) dollars and five (5) cents.

Department of Public Safety (Director's Office): To Item 11½ (new), to pay bills as follows: The Evening Bulletin, advertising, fifty-two (52) dollars and fifty (50) cents; The Philadelphia Inquirer, advertising, one

hundred and thirty-two (132) dollars; Deemer & Jaisohn, stationery, forty-four (44) dollars and twenty-five (25) cents; Stephen Green Co., engraving and printing, four hundred and two (402) dollars; Sidney J. Burgoyne, stationery, twenty-two (22) dollars and ninety (90) cents; Standard Tire Protector Co., tire protectors, eighty-one (81) dollars and fifty-one (51) cents; Dunlap Printing Co., printing postal cards, etc., three hundred and twenty-five (325) dollars; Gans Bros., stationery, forty (40) dollars; Automobile Sales Corporation, repairs to automobile, one hundred and twenty (120) dollars and twenty-five (25) cents; North Philadelphia Automobile Station, repairs to automobile and storage, one hundred and fifty-two (152) dollars and ninety-eight (98) cents; Pennsylvania Taximeter Cab Co., automobile hire, thirty-four (34) dollars and fifty (50) cents; Bergdoll Motor Car Co., automobile hire, five (5) dollars and seventy (70) cents; total, one thousand four hundred and thirteen (1,413) dollars and fifty-nine (59) cents. (Bureau of Fire): To Item 1½ (new), to pay bills as follows: Charles T. Groswith, removing ashes, two hundred and sixty-two (262) dollars and eighty (80) cents; Philadelphia Electric Co., wire and cable, three hundred and twenty-nine (329) dollars and seventy-eight (78) cents; Albert Murphy, horseshoeing, forty-eight (48) dollars and eighty-one (81) cents; total, six hundred and forty-one (641) dollars and thirty-nine (39) cents. (Electrical Bureau): To Item 1½ (new), to pay bills as follows: W. C. Kirk & Co., coal, three (3) dollars and forty (40) cents; Chas. M. Sheldrake, disks for Jenkkin valves and water gauge glasses, four (4) dollars and twenty-six (26) cents; Keystone Telephone Co., telephone service, eighty-four (84) dollars and sixty-seven (67) cents; Western Electric Co., switching keys and transmitters, ten (10) dollars and fifteen (15) cents; Richard Levick's Sons & Co., valves, nine (9) dollars and seventy-three (73) cents; The Babcock & Wilcox Company, tubes and cartage, twenty-seven (27) dollars and thirty-five (35) cents; American Gas Fixture Works, portable fixtures, twenty-nine (29) dollars and ten (10) cents; Patrick

Carter and Wilkins Co., elevator pushes, one hundred and thirty-seven (137) dollars and twenty-four (24) cents; J. S. Borgenski, holly shades, etc., three (3) dollars and forty-five (45) cents; Philadelphia Electric Co., cable, one hundred and forty-four (144) dollars; Walker & Kepler, electrical supplies furnished in 1910 and 1911, and wire and fuses, four hundred and thirty-five (435) dollars and fifty-one (51) cents; total, eight hundred and eighty-eight (888) dollars and eighty-six (86) cents. (Bureau of City Property): To Item 1½ (new), to pay bills as follows: A. Hayes & Co., plumbing repairs to Thirty-seventh District Police Station, seventeen (17) dollars and twenty (20) cents; Peter Finn, repairs to stove, and headlight oil, Otis Street Recreation Pier, two (2) dollars and five (5) cents; Samuel Dudgeon, repairs to clocks: Town Hall, City Hall, Independence Hall and South Second Street Market, three hundred and twenty-nine (329) dollars; Chas. M. Sheldrake, plumbing repairs, Twenty-first District Police Station, plumbing materials, City Hall, steam heating plants and repairs thereto in Thirty-fourth, Thirty-second, Twenty-second, Fifth, Sixth, Twenty-seventh, Thirty-eighth, Twenty-sixth, Thirteenth, Eighth and Fourteenth District Police Stations and City Hall, twelve thousand and twenty-seven (12,027) dollars and eighty-one (81) cents; Chas. T. Groswith, hauling ashes and rubbish from City Hall, eight hundred and eleven (811) dollars and eighty (80) cents; John C. Lewis, car fare of workmen, fifty-three (53) dollars and sixty-five (65) cents; Bureau of Correction, gas—police and fire stations, ninety-nine (99) dollars and sixty (60) cents; Sonntags Journal, advertising, eight (8) dollars and ten (10) cents; Philadelphia Tageblatt, advertising, eight (8) dollars and sixty (60) cents; Evening Telegraph, advertising, thirty-six (36) dollars; The Press Company, advertising, twenty-two (22) dollars and eighty (80) cents; The North American, advertising, thirty-nine (39) dollars; Philadelphia Inquirer, advertising, thirty-seven (37) dollars; German Daily Gazette, advertising, thirty-one (31) dollars and twenty-five (25) cents; Andrew F. O'Connell,

trap rock screenings, Clark Park, four hundred and twenty-four (424) dollars and sixty (60) cents; George Harbison, services from December 4 to December 30, 1911, inclusive, carpenter, City Hall, eighty-six (86) dollars and forty (40) cents; Andrew R. Snyder, rent of Twenty-third District Police Station, Twentieth and Nicholas streets, for the year 1911, seven hundred (700) dollars; Philadelphia Electric Co., lighting the armories of Second Regiment, Troop G, Troop A and headquarters of Cavalry Battalion, from January 1, to January 11, 1912, inclusive, forty-nine (49) dollars and sixty-six (66) cents; total, fourteen thousand seven hundred and eighty-four (14,784) dollars and fifty-two (52) cents. (Bureau of Police): To Item 1 $\frac{1}{2}$ (new), to pay bills as follows: Goodyear Tire and Rubber Co., tires for Eighth District patrol wagon, seventy-six (76) dollars and sixteen (16) cents; Philadelphia Air Brake and Machine Co., labor and repairs to automobile for Chief Surgeon, seventeen (17) dollars and fifty-four (54) cents; Charles T. Groswith, removing ashes, one hundred and eighty-one (181) dollars and eighty (80) cents; Chas. Lentz Sons, medical instruments, seventy-two (72) dollars and fifty-five (55) cents; The Bingham Co., printing and stationery, two hundred and sixty-four (264) dollars and twenty-five (25) cents; A. & J. Contole Bros., newspapers, twenty-seven (27) dollars and eighty-eight (88) cents; The Detective Publishing Co., subscription to "The Detective," six copies, one year, six (6) dollars; G. D. Comly laundry (detectives), two (2) dollars and ninety-one (91) cents; J. R. Hathaway, newspapers, thirty-nine (39) dollars and seventy-two (72) cents; Red Cross Antiseptic Telephone Mouthpiece Company, rental of mouthpieces for telephones, one (1) dollar and eighty (80) cents; Anderson Mfg. Co., fuel economizers, eighty-two (82) dollars and fifty (50) cents; Monarch Typewriter Co., repairs to typewriters, three (3) dollars and twenty-five (25) cents; Scott Bros., hauling, thirty (30) dollars; Dr. Hubley R. Owen, postage stamps, ten (10) dollars; J. B. Shannon Hardware Co., hardware and repairs, three hundred and fifty-two (352)

dollars and two (2) cents; Brilliant Mfg. Co., street signs, forty-four (44) dollars and eighty (80) cents; Philadelphia Towel Supply and Laundry Co., laundry, tug "Ashbridge," one (1) dollar and seven (7) cents; Rachel Williams, cleaning Nineteenth District Station House, six (6) dollars and sixty-seven (67) cents; Bernard McCurdy, duck for stretchers, thirty-four (34) dollars; H. Gilbert Cassidy, horseshoeing, thirty-seven (37) dollars and twenty-five (25) cents; H. Gilbert Cassidy, pasturing and horseshoeing, one hundred and eleven (111) dollars and forty-five (45) cents; Fred. White, ambulance service, five (5) dollars; James Gray, horseshoeing twenty (20) dollars and seventy (70) cents; J. L. Wildey, keep of horses, one hundred and ninety-eight (198) dollars; Keim Supply Company, repairs to harness, two hundred and twenty-one (221) dollars and eighty-eight (88) cents; J. C. Clemens, repairs to harness, twenty-six (26) dollars and eighty-five (85) cents; C. N. Hassinger, repairs to harness, one (1) dollar and eighty-five (85) cents; J. D. Conner, repairs to harness, seven (7) dollars and sixty (60) cents; M. J. Heavey, repairs to mattresses, one hundred and seventy (170) dollars; Anthony Quigley, storage of automobile and materials, fifty (50) dollars and seventy-five (75) cents; Henry Petri, storage of automobile and materials, one hundred and ninety-four (194) dollars and three (3) cents; W. W. Hodgson, gasoline, one hundred and three (103) dollars and ninety-six (96) cents; Chas. K. Smith, lubricating oil, fifteen (15) dollars and sixty (60) cents; The Lyman Tire and Rubber Co., tires and repairs, seventy-eight (78) dollars and seventy (70) cents; Park Garage, towing automobile, six (6) dollars; Colonial Automobile Co., storage of automobile and materials, thirty-six (36) dollars and thirty-five (35) cents; Firestone Tire and Rubber Co., repairs to tires, four (4) dollars and seventy-five (75) cents; Liberty Motor Car Co., repairs to automobile, one (1) dollar and sixty (60) cents; Keim Supply Co., automobile materials, thirty-six (36) dollars and fifty-four (54) cents; Bell Telephone Co., telephone service, forty-six (46) dollars and five (5) cents;

Keystone Co., telephone service, two (2) dollars and ninety five (95) cents; American Telephone and Telegraph Co., telephone service, eight (8) dollars and twenty-five (25) cents; Auto Equipment Co., repairs to automobile, forty (40) dollars and fifty-seven (57) cents; Dr. C. S. Potts, examination of patrolmen, three (3) dollars; United Gas Improvement Co., gas for fuel purposes, fifty-two (52) dollars; Walter Gilbert, incidentals, five (5) dollars and sixty (60) cents; Philadelphia Electric Co., charging storage batteries for electric automobile patrol, one hundred and thirty-eight (138) dollars and forty-seven (47) cents; Chas A. McLaughlin, postage stamps, thirty (30) dollars; to pay bills for medical attendance at station houses: James G. Murfin, thirteen (13) dollars; M. L. Levitt, thirty-one (31) dollars; N. A. Hornstein, seventy-two (72) dollars; W. C. Ryon, four hundred and thirty-five (435) dollars; J. G. Williams, two hundred and twenty-three (223) dollars; John H. Egan, one hundred and thirty-eight (138) dollars; Wm. McIntosh, sixty (60) dollars; T. A. O'Brien, two hundred and fifty-three (253) dollars; John Wanamaker, 3d, one hundred and twenty-five (125) dollars; Harry W. Weyant, ninety-one (91) dollars; Samuel J. Ottinger, one hundred and forty (140) dollars; David Custer, four (4) dollars; Chas. A. Currie, four (4) dollars; George B. Hanna, eighty-one (81) dollars; T. J. Ellinger, twenty-two (22) dollars; A. F. Allman, thirty-eight (38) dollars; R. B. Judge, one hundred and three (103) dollars; Carl Weiland, twelve (12) dollars; Henry A. Newbold, eighteen (18) dollars; Chas. E. Bricker, ninety-three (93) dollars; W. H. Ziegler, twenty-eight (28) dollars; Geo. Sinnamen, forty-seven (47) dollars; C. J. Lewis, twenty (20) dollars; F. B. Hancock, seventy (70) dollars; S. P. Manship, seventeen (17) dollars; Chas. E. Britt, twenty-nine (29) dollars; W. W. Weaver, thirty-four (34) dollars; Wm. F. Morrison, three hundred and one (301) dollars; W. H. Good, four (4) dollars; Jos. A. Rainville, ten (10) dollars; Morgan Katz, seven (7) dollars; Benj. L. Gordon, thirty-six (36) dollars; Robert McCreight, twenty-six (26) dollars; W. T.

Ellis, thirty-two (32) dollars; Max F. Herrman, twenty-five (25) dollars; to pay bills for meals served to prisoners at station houses: Mrs. Lena Eckhardt, fourteen (14) dollars and fifty (50) cents; Mrs. Gross, fourteen (14) dollars and fifty (50) cents; Mrs. Patrick Duffy, seven (7) dollars and twenty-five (25) cents; D. Maloney, five (5) dollars; Mrs. Kate Brown, twenty-four (24) dollars; Gus. S. Schneweis, six (6) dollars and fifty (50) cents; Elizabeth Sands, fifty-seven (57) dollars and twenty-five (25) cents; Mrs. McManus, sixteen (16) dollars and twenty-five (25) cents; Mrs. Celia Wilson, seven (7) dollars and seventy-five (75) cents; Otto Wolf, seven (7) dollars and twenty-five (25) cents; Mrs. Herman Kohl, twenty-one (21) dollars; Johanna Merkle, forty (40) dollars and seventy-five (75) cents; S. W. Deal, fourteen (14) dollars; Mrs. Mary Dean, thirty-two (32) dollars and twenty-five (25) cents; Mrs. Maggie Troop, fourteen (14) dollars; John Svenson, eight (8) dollars and fifty (50) cents; Harry Myers, one (1) dollar and seventy-five (75) cents; Jos. E. Allen, thirteen (13) dollars; D. E. Horner, thirty-six (36) dollars and seventy-five (75) cents; James Brennan, nine (9) dollars; Bretton Reid, three (3) dollars and fifty (50) cents; Charles Koch, two (2) dollars and seventy-five (75) cents; Kate Paul, thirty (30) dollars and twenty-five (25) cents; Mrs. Ristine, six (6) dollars and seventy-five (75) cents; Jane Bertsch, four (4) dollars; Augustus Mungesser, ten (10) dollars and seventy-five (75) cents; Mary Heddleston, six (6) dollars; Mrs. Thos. McConnell, nineteen (19) dollars; Elwood J. Brown, forty-one (41) dollars and fifty (50) cents; Salvatore Mangione, five (5) dollars and seventy-five (75) cents; Jos. Peterkin, ten (10) dollars and fifty (50) cents; R. B. Strunk, one (1) dollar; Tillie Curran, five (5) dollars and twenty-five (25) cents; Wm. Shoemaker, eight (8) dollars and seventy-five (75) cents; Mrs. Lettie Copple, three (3) dollars and fifty (50) cents; Thomas Denton, three (3) dollars and seventy-five (75) cents; C. Leiber, two hundred and sixteen (216) dollars and seventy-five (75) cents; Western Union Telegraph Co., telegraph and messenger

service, one hundred and eight (108) dollars and one (1) cent; Richard F. Taylor, medical attendance at station houses, five hundred and sixty-one (561) dollars; total, six thousand nine hundred and fifty-two (6,952) dollars and sixty-eight (68) cents.

Department of Public Health and Charities (Director's Office): To Item 1½, to pay bill of Postal Telegraph Co., messages, one (1) dollar and sixty-nine (69) cents. (Bureau of Health): To Item 1½, to pay bills as follows: Western Union Telegraph Co., messages, fifty (50) cents; Bell Telephone Co., calls, twelve (12) dollars and thirty (30) cents; Keystone Telephone Co., calls, two (2) dollars and nine (9) cents; Harry S. Ashton, horseshoeing, thirty-five (35) dollars; John F. Cummings, horseshoeing, five (5) dollars; James Gray, horseshoeing, ten (10) dollars and forty-five (45) cents; George Hazlett, horseshoeing, forty-five (45) dollars; W. S. Jamison, horseshoeing, twelve (12) dollars; Albert Kohler, repairs to wagons, thirty-six (36) dollars and seventy (70) cents; Keim Supply Co., repairs to autos and harness, eighty (80) dollars and eighteen (18) cents; A. Schultz, horseshoeing, one hundred and thirty-three (133) dollars; The Fisk Rubber Co., repairs to autos, ninety-one (91) dollars and thirteen (13) cents; A. Smith & Son, seventy-two (72) dollars; Bernstein Manufacturing Co., one hundred and twelve (112) dollars; Joseph N. Snellenburg, beds, etc., three hundred and fifty-two (352) dollars and sixty (60) cents; The Autocar Co., repairs to autos, twenty-three (23) dollars and fifty-two (52) cents; total, one thousand and twenty-three (1,023) dollars and forty-seven (47) cents. (Bureau of Charities): To Item 1½ (new), to pay bills as follows: George B. Clopp, locker, fifty (50) dollars; George B. Clopp, blue prints, one (1) dollar and eighty (80) cents; Joseph N. Snellenburg, chairs, four hundred and seventeen (417) dollars and thirteen (13) cents; Philadelphia Demokrat, advertising, one hundred and twenty-three (123) dollars; Evening Telegraph, advertising, eighty-four (84) dollars; Evening Bulletin, advertising, seventy-three (73) dollars and fifty (50) cents;

Philadelphia Tageblatt, advertising, sixty-seven (67) dollars and twenty (20) cents; Public Ledger, advertising, fifty-two (52) dollars and twenty (20) cents; German Daily Gazette, advertising, fifty-one (51) dollars and one (1) cent; Philadelphia Record, advertising, forty-two (42) dollars; Philadelphia Inquirer, advertising, thirty-five (35) dollars and twenty-five (25) cents; Sunday Dispatch, advertising, thirty-three (33) dollars and forty (40) cents; Evening Times, advertising, twenty-six (26) dollars and ten (10) cents; Schiller & Company, repairing engine, forty-five (45) dollars and sixty-one (61) cents; Babcock & Wilcox Co., repair tubes and new tubes, forty-one (41) dollars and ninety-eight (98) cents; H. R. Nolte, medicine, sixty-eight (68) dollars and eighty-one (81) cents; George T. Lambert, medicine, ten (10) dollars and nineteen (19) cents; Wills-Jones, milk, forty-eight (48) dollars; Supplee Alderney Dairy, milk, thirty-seven (37) dollars and ninety-two (92) cents; Showell, Fryer Co., marketing, eighty-nine (89) dollars and three (3) cents; H. K. Mulford, thirty-eight (38) dollars and forty-two (42) cents; Charles H. Elliott Co., four (4) dollars; Fleck Bros. Co., lavatories, sinks, two hundred and ninety-four (294) dollars; Strawbridge & Clothier, chairs, towel bar, seventeen (17) dollars and fifteen (15) cents; Baugh & Sons Co., fertilizer, eighty-four (84) dollars and sixty (60) cents; Anchor Co., hose, etc., four (4) dollars and sixty-six (66) cents; Bridgman Bros. Co., bushings, three (3) dollars and eighty-two (82) cents; total, one thousand eight hundred and forty-four (1,844) dollars and seventy-eight (78) cents.

Department of Supplies (Director's Office): To Item 1½ (new) to pay bills as follows: Philadelphia Inquirer, advertising, one hundred and eighty (180) dollars; The Bingham Co., printed blanks, etc., five hundred and thirty (530) dollars and ten (10) cents; Clean Towel Supply Co., towel service, twenty-eight (28) dollars and thirty-two (32) cents; Dunlap Printing Co., printed blanks, books, etc., five thousand four hundred and eighty-eight (5,488) dollars; Walker & Kepler, repairing fan, five (5)

dollars and seventy-five (75) cents; Jos. N. Snellenburg, repairing chairs, three (3) dollars and twenty-five (25) cents; Chas. W. Neeld & Co., twine, two (2) dollars and ninety-seven (97) cents; McCann Ice Co., ice, nine (9) dollars and eleven (11) cents; (Mayor): Dunlap Printing Co., furnishing Mayor's Annual Message and accompanying documents, and printing, stationery, etc., six thousand six hundred and three (6,603) dollars and forty-nine (49) cents; Albert Anderman, printed blanks, etc., two hundred and seventy (270) dollars and fifty-three (53) cents; Deemer & Jaisohn, stationery, eighty-six (86) dollars and seventy (70) cents; John Wanamaker, paper, five (5) dollars and twenty-two (22) cents; E. A. Wright Bank Note Co., steel plates, four hundred (400) dollars; Jos. N. Snellenburg, linoleum, etc., one hundred and ninety-four (194) dollars and forty-four (44) cents; Welsbach Co., gas mantels, etc., four hundred and thirty-seven (437) dollars and fifty-two (52) cents; J. Tritsch & Co., cleaning supplies, one hundred and thirty-one (131) dollars and seven (7) cents; Chas. W. Neeld & Co., hampers, etc., one hundred and fourteen (114) dollars and thirty-six (36) cents; Henry F. Michell Co., seeds, etc., one hundred and seventeen (117) dollars and thirty (30) cents; Underwood Typewriter Co., typewriters, two hundred and one (201) dollars and seventy-five (75) cents; Walker & Kepler, pneumatic cleaner, etc., one hundred and seventy-six (176) dollars and sixteen (16) cents; Clean Towel Supply Co., towel service, three hundred and fifty-four (354) dollars and seventy-two (72) cents; The Bingham Co., stationery, etc., three hundred and four (304) dollars and sixty-nine (69) cents; Smith & Holthaus, coal, one hundred and sixty-three (163) dollars and fifty (50) cents; W. C. Kirk & Co., coal, two hundred (200) dollars; Clayton L. Tunis, coal, four hundred and eight (408) dollars and one (1) cent; Robt. Henderson & Co., coal, nine hundred and two (902) dollars and seven (7) cents; Edward Connor, coal, eighty-nine (89) dollars and fifteen (15) cents; American Ice Co., ice, nine hundred and sixty-eight (968) dollars and thirty-four (34) cents; Jacob

Reed's Sons, uniforms, two hundred and twenty-five (225) dollars; Walter J. Crowder, coal, one hundred and eighteen (118) dollars and seventy-five (75) cents; Peoples Bros., bricks, one hundred and sixty-one (161) dollars; Remington Typewriter Co., typewriters, three hundred and forty-three (343) dollars and eighty (80) cents; McArdle & Cooney, cocks, etc., five (5) dollars and fifty-eight (58) cents; B. Rowland & Bro. (1910), coal, fifty (50) dollars and seventy (70) cents; Black Diamond Coal Co. (1910), coal, one thousand nine hundred and six (1,906) dollars and fifty-five (55) cents; (Civil Service Commission): T. J. Milner, printing, five (5) dollars and fifty (50) cents; The Bingham Co., stationery, etc., eighty-four (84) dollars and fifty-two (52) cents; Albert Anderman, stationery, etc., six hundred and sixty-nine (669) dollars and twenty-three (23) cents; Dunlap Printing Co., printed blanks, books, etc., eight hundred and fifty-seven (857) dollars and fifty-five (55) cents; Gans Bros., stationery, thirty (30) dollars and twenty-five (25) cents; (Law): L. M. Jones, telephone transmitters, eight (8) dollars and forty (40) cents; Deemer & Jaisohn, binding books, one hundred and eighty-six (186) dollars; E. V. Smith, atlases, one hundred (100) dollars; Munson Supply Co., typewriter keys, seven (7) dollars; Wagner & Coleman, rubber stamps, ten (10) dollars and ninety (90) cents; J. Tritsch & Co., feather dusters, etc., seventeen (17) dollars and sixty-one (61) cents; Shoemaker & Busch, soap powder, two (2) dollars and fifty-five (55) cents; KeeLox Mfg. Co., carbon paper, thirteen (13) dollars and fifty (50) cents; Frank T. Dunlap, soap, etc., two hundred and twenty (220) dollars and seventy-five (75) cents; Albert Anderman, printing, etc., twenty-one (21) dollars and five (5) cents; The Bingham Co., printed books, blanks, stationery, etc., four thousand two hundred and seven (4,207) dollars and one (1) cent; Dunlap Printing Co., paper books, printing, etc., six hundred and forty-nine (649) dollars and ten (10) cents; Chas. W. Neeld & Co., twine, two (2) dollars and ninety-seven (97) cents; John Wanamaker, diaries, etc., three (3) dollars and eighty (80) cents; Gans Bros., fasteners,

one (1) dollar and sixty (60) cents; McCann Ice Co., ice, seventeen (17) dollars and twenty-seven (27) cents; (Receiver of Taxes): Geo. W. Gibbons & Sons Co., Inc., printing, fifteen (15) dollars and eighty-eight (88) cents; John S. Strafford, printing, one hundred and seven (107) dollars and fifty (50) cents; Frank T. Dunlap, soap, etc., fifty-one (51) dollars and seventy-five (75) cents; J. Tritsch & Co., feather dusters, eighty-six (86) dollars and seventy-three (73) cents; The Bingham Co., printed books, blanks, etc., two thousand six hundred and seventy-five (2,675) dollars and thirty-five (35) cents; Albert Anderman, printed books, blanks, etc., one thousand one hundred and forty-six (1,146) dollars and twenty-five (25) cents; James Arnold, printed books, etc., three hundred and forty-seven (347) dollars and twenty (20) cents; Dunlap Printing Co., printed books, blanks, etc., four thousand five hundred and twenty-four (4,524) dollars and seventy-two (72) cents; Jos. N. Snellenburg, furniture, carpets, etc., five hundred and sixteen (516) dollars and five (5) cents; Clean Towel Supply Co., towel service, two hundred and fifty-seven (257) dollars and twenty-eight (28) cents; Anchor Packing Co., rubber mats, six (6) dollars; Smith Premier Typewriter Co., ribbons, four (4) dollars; Shoe-maker & Busch, brushes, etc., twenty-eight (28) dollars and fifty-three (53) cents; Wm. H. Hoskins Co., money bands, three (3) dollars and fifty (50) cents; Wales Adding Machine Co., paper, five (5) dollars and seventy-five (75) cents; Deemer & Jaisohn, erasers, eight (8) dollars and sixteen (16) cents; McCann Ice Co., ice, fifty-seven (57) dollars and forty-nine (49) cents; (Health and Charities, Director's Office): Albert Anderman, printing, stationery, etc., two hundred and seventy-two (272) dollars and seventy (70) cents; McCann Ice Co., ice, eighteen (18) dollars and forty-eight (48) cents; Dunlap Printing Co., printed books, blanks, etc., eight hundred and sixty-seven (867) dollars and ninety-five (95) cents; (Health): Clean Towel Supply Co., towel service, four hundred and forty-eight (448) dollars and forty-four (44) cents; McCann Ice Co., ice, two (2) dollars and fifty-

six (56) cents; Standard Office and Typewriter Supply Co., oil, two (2) dollars; Albert Anderman, printing, stationery, gummed strips, etc., seven hundred and fourteen (714) dollars and twenty-three (23) cents; James Arnold, books, six (6) dollars; Dunlap Printing Co., printed books, blanks, postal cards, etc., two thousand six hundred and thirty-four (2,634) dollars and forty-seven (47) cents; Decmer & Jaisohn, stationery, etc., two hundred and five (205) dollars and fifty (50) cents; The Bingham Co., printed books, blanks, stationery, etc., one thousand two hundred and twenty-three (1,223) dollars and fifty-nine (59) cents; Standard Index Card Co., cards, forty-three (43) dollars and seventy (70) cents; John Wanamaker, ink pads, seventy-eight (78) cents; Shoemaker & Busch, disinfectants, soap, and laboratory supplies, one thousand and forty-four (1,044) dollars and twenty-three (23) cents; Perth Amboy Chemical Co., formaldehyde, three thousand seven hundred and ninety-five (3,795) dollars; Alfred Lowry & Bro., groceries, etc., two thousand two hundred and forty-nine (2,249) dollars and seventy-nine (79) cents; Wm. H. Root, milk and cream, one thousand six hundred and forty-five (1,645) dollars and eighty-eight (88) cents; Roesch Packing Co., meats, etc., three thousand two hundred and seventy-nine (3,279) dollars and ninety-seven (97) cents; Breyer Ice Cream Co., ice cream, six hundred and seventy-four (674) dollars and twelve (12) cents; Kolb's Bakeries, bread, six hundred and eighty-one (681) dollars and one (1) cent; J. B. Leifried, vegetables, eight hundred and fifty-six (856) dollars and forty-five (45) cents; M. P. Howlett, fish and oysters, one hundred and eighty (180) dollars and seventy-nine (79) cents; Philip Hoffman, butter and eggs, seven hundred and ninety-six (796) dollars and seventy (70) cents; The Anchor Packing Co., packing, six hundred and twenty-six (626) dollars and forty-nine (49) cents; Watson & Co., dry goods, etc., one hundred and thirty-seven (137) dollars and sixty (60) cents; Vacuum Oil Co., oil, one hundred and forty-one (141) dollars and eight (8) cents; J. Alfred Clark, castings, six hundred and two (602) dollars and twenty-eight

(28) cents; Proctor & Gamble Distributing Co., soap, one hundred and forty-three (143) dollars and fifty-one (51) cents; Chas. K. Smith & Co., oil, nine (9) dollars and thirty-six (36) cents; Keystone Lubricating Co., grease, seven (7) dollars; Richard Levick's Son & Co., belting, etc., one hundred and ten (110) dollars and seventeen (17) cents; Walker & Kepler, electrical supplies, two hundred and fourteen (214) dollars and eighty-nine (89) cents; W. J. Donahue & Co., oil, etc., one hundred and forty-eight (148) dollars and sixteen (16) cents; J. Tritsch & Co., soap, etc., two hundred and forty-four (244) dollars and eighty-five (85) cents; Textile Supply Co., dry goods, etc., seven hundred and eighty-three (783) dollars and fifteen (15) cents; Jos. N. Snellenburg, dry goods, etc., four hundred and ten (410) dollars and seventy-six (76) cents; George Oldham, burials, sixty-three (63) dollars; Johns-Hopkins Oil Co., oil, seventeen (17) dollars and seventy-six (76) cents; Edward Trainer, whiskey, one hundred and nine (109) dollars and thirty-five (35) cents; Carl F. Lauber, whiskey, seventy-five (75) dollars and forty-two (42) cents; Clement Restein Co., glasses, sixty-five (65) cents; Union Petroleum Co., gasoline, ninety-two (92) dollars and twenty-eight (28) cents; Edward Connor, coal, five thousand one hundred and twenty-eight (5,128) dollars and two (2) cents; David McMullin, Jr., forage, one thousand nine hundred and thirty-nine (1,939) dollars and twenty-seven (27) cents; (Charities): The Bingham Co., books, thirty (30) dollars; James Arnold, books, twenty-seven (27) dollars; The Fleischmann Co., yeast, five hundred and twelve (512) dollars and fifty (50) cents; Kirk, Foster & Co., groceries, etc., three thousand nine hundred and four (3,904) dollars and ninety-one (91) cents; B. S. Janney, Jr. & Co., Inc., groceries, etc., nine thousand six hundred and forty-eight (9,648) dollars and fifty-one (51) cents; A. Salus & Sons, hams, two hundred and thirty-one (231) dollars and one (1) cent; M. P. Howlett, fish and oysters, three thousand one hundred and thirty-one (3,131) dollars and ninety-one (91) cents; F. A. Maynes, mutton, one thousand four hundred and twenty-eight (1,428) dollars and

seventy-two (72) cents; A. Frosch, poultry, etc., two thousand three hundred and four (2,304) dollars and ninety-two (92) cents; Consolidated Dressed Beef Co., beef, etc., nine thousand eight hundred and sixty-three (9,863) dollars and five (5) cents; Roesch Packing Co. (1910), hams, thirty-four (34) dollars and four (4) cents; John Kienzle, onions, four hundred and twelve (412) dollars and thirteen (13) cents; Alfred Lowry & Bro., sugar, two thousand two hundred and eighty-four (2,284) dollars and ten (10) cents; Philip Hoffman, butter, six thousand two hundred and twenty-six (6,226) dollars and nineteen (19) cents; Wm. J. Sullivan, groceries, etc., nine thousand and ninety-six (9,096) dollars and twenty-three (23) cents; Simon & Dunlap, potatoes, four hundred and seventy (470) dollars and sixty-five (65) cents; Edson Bros., eggs, six thousand and fifty-one (6,051) dollars and ninety-four (94) cents; Alfred Lowry & Bro. (1909), rolled oats, six (6) dollars and fifty-four (54) cents; American Ice Co., ice, one thousand nine hundred and thirty-three (1,933) dollars and ninety (90) cents; Roesch Packing Co., lard, one hundred and fifty-nine (159) dollars and seventy-five (75) cents; Shoemaker & Busch, mops, brushes, paints, etc., nine hundred and ninety-three (993) dollars and thirty-one (31) cents; John A. Barry, milk and cream, twenty thousand three hundred and seven (20,307) dollars and seventy-nine (79) cents; Textile Supply Co., dry goods, boots, etc., one thousand and forty-one (1,041) dollars and fifty-four (54) cents; Richard Levick's Sons & Co., blankets, etc., forty-seven (47) dollars and eighty (80) cents; Blum Bros., Inc., table diaper, three hundred and eighty-nine (389) dollars and forty-four (44) cents; Frank T. Dunlap, underwear, dry goods, etc., two thousand nine hundred and sixteen (2,916) dollars and thirty-one (31) cents; Jos. N. Snellenburg, gauze, dry goods, etc., two thousand three hundred and forty-four (2,344) dollars; Samuel D. Lit, shoes, bed springs, etc., two thousand five hundred and thirty-six (2,536) dollars and thirty-two (32) cents; Maddock & Co., hardware, cutlery, etc., one hundred and ninety-seven (197) dollars and fourteen (14) cents; I. H. Wisler &

Son, chairs, twelve (12) dollars; Chas. W. Need & Co., brooms, etc., four hundred and fifteen (415) dollars and thirty-five (35) cents; Frank F. Mathers, coal, one thousand nine hundred and nine (1,909) dollars and twenty-six (26) cents; W. C. Kirk & Co., coal, twenty-one thousand eight hundred and eighty-four (21,884) dollars and fifteen (15) cents; W. J. Donahue & Co., gasoline, three hundred and twenty-eight (328) dollars and sixty-eight (68) cents; Johns-Hopkins Oil Co., oil, one hundred and twenty-six (126) dollars and ninety-two (92) cents; Union Petroleum Co., oil and gasoline, four hundred and two (402) dollars and nine (9) cents; Loos & Dilworth, oils, three hundred and seven (307) dollars and seventy-six (76) cents; David McMullin, Jr., forage, six hundred and thirteen (613) dollars and twenty-six (26) cents; Keim Supply Co., harness and stable supplies, one hundred and thirty-six (136) dollars and fifty (50) cents; Frank Lambert, horses, seven hundred and sixty (760) dollars; Chas. J. Field's Sons, hardware, etc., sixty-two (62) dollars and thirty-nine (39) cents; R. A. & J. J. Williams Co., lumber, six hundred and twenty-six (626) dollars and sixty-eight (68) cents; Chas. Benton, lumber, three hundred and eighty-nine (389) dollars; Henry F. Michell Co., seeds, etc., sixty-eight (68) dollars and fifty-one (51) cents; Jas. J. Quigley & Son, tin, etc., five hundred and seventy-seven (577) dollars and twenty-four (24) cents; Geo. D. Wetherill & Co., Inc., varnish, etc., one hundred and nine (109) dollars and fifty (50) cents; McArdle & Cooney, pipe fittings, etc., two hundred and thirty-two (232) dollars and twenty-two (22) cents; Quaker City Rubber Co., packing, one hundred and ninety-nine (199) dollars and twenty-five (25) cents; M. J. Heavey, awnings, one hundred and sixty-eight (168) dollars and fifty (50) cents; Jas. Boyd & Bro., fire extinguishers, one hundred and five (105) dollars; Walter T. Bradley Co., bricks, etc., one hundred and fifteen (115) dollars; Wm. H. Ingram, rings and covers, eighteen (18) dollars; Peoples Bros., sand, fourteen (14) dollars and ninety-two (92) cents; Knickerbocker Lime Co., plaster, forty-five (45) dollars and ninety (90) cents; Geo. A. Sinn, gravel, fourteen

(14) dollars and ninety (90) cents; Ford & Kindig Co., valves, etc., eight hundred and fourteen (814) dollars and thirty-two (32) cents; Walsh Packing Co., valves and packing, three hundred and twenty-one (321) dollars and forty-one (41) cents; Seltzer, Klahr Hdw. Co., hardware, etc., twenty-one (21) dollars and twenty-one (21) cents; Merchant & Evans Co., tin, four hundred and thirty-one (431) dollars; Frank H. Stewart Electrical Co., brushes, twenty-five (25) dollars and twenty (20) cents; Harrison Bros. & Co., Inc., white lead, etc., three hundred and seventy-nine (379) dollars and ten (10) cents; N. Z. Graves Co., varnish, etc., three hundred and eighty-eight (388) dollars and thirteen (13) cents; Haines, Jones & Cadbury Co., bibbs, etc., two hundred and thirty (230) dollars and fifty-eight (58) cents; Henry J. Rife, leather and shoe findings, five hundred and forty-four (544) dollars and sixty-one (61) cents; S. S. White Dental Mfg. Co., dental supplies, fifty-one (51) dollars and forty-eight (48) cents; (Public Safety, Director's Office): Gans Bros., stationery, seventy-eight (78) dollars; Deemer & Jaisohn, stationery, etc., two hundred and fifty-one (251) dollars and twelve (12) cents; Bingham Co., pads, six (6) dollars; Wm. H. Hoskins Co., stationery, fifty (50) dollars and fifty-seven (57) cents; McCann Ice Co., ice, fourteen (14) dollars and forty (40) cents; (Police): The Bingham Co., printing, stationery, etc., five thousand three hundred and seventy (5,370) dollars and twenty (20) cents; Clean Towel Supply Co., towel service, one hundred and eighty-four (184) dollars and fifty-six (56) cents; Gans Bros., books, etc., thirty-three (33) dollars and seventy (70) cents; Dunlap Printing Co., printed books, blanks, etc., one thousand and fifty-eight (1,058) dollars and seventeen (17) cents; Albert Anderman, printed blanks, etc., four hundred and sixty (460) dollars and twenty-four (24) cents; Deemer & Jaisohn, typewriter supplies, three (3) dollars; Chas. W. Neeld & Co., brooms, etc., one hundred and seventy-nine (179) dollars and sixty-five (65) cents; John Wanamaker, pads, one (1) dollar and eight (8) cents; M. J. Bullen, disinfectant, two hundred and twenty-five (225) dollars; M. W. Bougher, soap, ninety

(90) dollars; J. Tritsch & Co., brushes, soap, etc., one hundred and eighty-three (183) dollars; Chas. J. Field's Sons, lanterns, sponges, hardware, etc., six hundred and ninety (690) dollars and seventy-seven (77) cents; Keim Supply Co., harness and stable supplies, one thousand four hundred and twenty-five (1,425) dollars and ninety-three (93) cents; Maddock & Co., hardware, tools, etc., six hundred and eighty-eight (688) dollars and seventy-seven (77) cents; Quaker City Rubber Co., hose, packing, etc., one hundred and sixty (160) dollars and forty-five (45) cents; Smith & Holthaus, coal, three thousand seven hundred and five (3,705) dollars and thirty-five (35) cents; Walter J. Crowder Co., coal, two hundred and thirty-two (232) dollars and sixty-eight (68) cents; Edward Connor, coal, five hundred and eighteen (518) dollars and twenty (20) cents; W. C. Kirk & Co., coal, two thousand and nine (2,009) dollars and sixty (60) cents; McKee & Co., coal, sixty-two (62) dollars and fifty (50) cents; Robt. Henderson & Co., coal, one hundred and forty-three (143) dollars and seventy-six (76) cents; Walter C. Shipley, coal, sixty-one (61) dollars; American Ice Co., coal, one hundred and sixty-four (164) dollars and fifty-five (55) cents; Smith & Holthaus (1910), coal, fifty-six (56) dollars and fifty (50) cents; McCann Ice Co., ice, two hundred and sixty-eight (268) dollars and four (4) cents; Shoemaker & Busch, headlight oil, eighty-four (84) dollars and eighty-four (84) cents; Anchor Packing Co., hose, one hundred and twenty-three (123) dollars and seventy-five (75) cents; Samuel D. Lit, furniture, etc., three hundred and four (304) dollars and seventy-four (74) cents; Jos. N. Snellenburg, buckets, etc., seventy-two (72) dollars and two (2) cents; Chas. K. Smith & Co., oil, one hundred and five (105) dollars and forty (40) cents; John J. McGrath, waste, fifty-four (54) dollars and seventy-four (74) cents; Garlock Packing Co., packing, one (1) dollar and eight (8) cents; David McMullin, Jr., forage, nineteen thousand six hundred and seventy-eight (19,678) dollars and twenty-two (22) cents; Seltzer, Klahr Hdw. Co., wheelbarrow, four (4) dollars and seventy-five (75) cents; Smith, Kline & French Co.,

sponges, one hundred and fifty-six (156) dollars and five (5) cents; I. H. Wisler & Son, chairs, four hundred and twenty-seven (427) dollars and twenty (20) cents; M. J. Heavey, shades and awnings, sixty-eight (68) dollars and thirty-four (34) cents; Fry, Glanz & Hall, linoleum, one hundred and eleven (111) dollars and seventy-six (76) cents; Strawbridge & Clothier, tires, thirty-nine (39) dollars; (Correction): Dunlap Printing Co., books, sixteen (16) dollars; T. J. Milner, printed blanks, sixty-one (61) dollars and ninety (90) cents; Frank X. Mathis, poultry, etc., one thousand and thirteen (1,013) dollars and twenty-four (24) cents; Ezl. Dunwoody Co., flour, one thousand three hundred and seventy-seven (1,377) dollars; Kirk, Foster & Co., groceries, etc., nine hundred and sixty-seven (967) dollars and thirty-nine (39) cents; M. P. Howlett, fish and oysters, one hundred and thirty-one (131) dollars and twenty-six (26) cents; B. S. Janney, Jr. & Co., Inc., groceries, etc., six hundred and eighty (680) dollars and ninety-nine (99) cents; Philip Hoffman, butter and eggs, one hundred and forty-five (145) dollars and twenty-one (21) cents; Shoemaker & Busch, spices, etc., ninety-one (91) dollars and twenty (20) cents; The Fleischmann Co., yeast, two hundred and ninety-two (292) dollars and fifty (50) cents; Edson Bros., butter and eggs, fifty-five (55) dollars and forty-five (45) cents; Textile Supply Co., dry goods, etc., four hundred and ninety-two (492) dollars and forty-six (46) cents; Alfred Lowry & Bro., tobacco, etc., three hundred and fifty-three (353) dollars and seven (7) cents; Geo. Ridey, meats, etc., one thousand five hundred and three (1,503) dollars and twenty-five (25) cents; John Kienzle, apples, etc., seventy-six (76) dollars and forty (40) cents; Ellis A. Gimbel, dry goods, etc., five hundred and eighteen (518) dollars and seventy-nine (79) cents; Samuel D. Lit, notions, etc., one hundred and thirty-eight (138) dollars and sixty-one (61) cents; Frank T. Dunlap, stockings, thirty-one (31) dollars; John Wanamaker, table linen, etc., one hundred and sixteen (116) dollars and forty-five (45) cents; Chas. W. Neeld & Co., brooms, etc., one hundred and fifty-four (154) dollars and eight (8) cents;

Smedley Bros. Co., lumber, two hundred and thirty (230) dollars and twenty-six (26) cents; N. Z. Graves Co., white lead, etc., two hundred and eight (208) dollars and eighty (80) cents; Keim Supply Co., harness, etc., ninety-eight (98) dollars and thirty-eight (38) cents; Henry F. Michell Co., seeds, etc., five hundred and forty-two (542) dollars and sixty-three (63) cents; Maddock & Co., hardware, tools, etc., two hundred and six (206) dollars and forty-two (42) cents; E. R. Tourison Co., powder and fuse, two hundred and fourteen (214) dollars and seventy-five (75) cents; Peale, Peacock & Kerr, Inc., coal, five thousand nine hundred and sixty-three (5,963) dollars and forty-two (42) cents; W. C. Kirk & Co., coal, three thousand three hundred and six (3,306) dollars and seventy-two (72) cents; Geo. A. Sinn, gas lime, one thousand three hundred and twenty-six (1,326) dollars and twelve (12) cents; Chas. J. Field's Sons, spectacles, etc., twenty-seven (27) dollars and twenty-seven (27) cents; Anchor Packing Co., packing, twenty-four (24) dollars and twenty-six (26) cents; Jas. J. Quigley & Sons, castings, etc., seventy-eight (78) dollars; E. A. Landell, Jr., leather, nine hundred and seventy-eight (978) dollars; Henry J. Rife, leather and findings, two hundred and ninety-three (293) dollars and sixty-one (61) cents; (Fire): The Bingham Co., books, forty-seven (47) dollars and fifty (50) cents; Dunlap Printing Co., printed blanks, five (5) dollars and fifty (50) cents; John S. Strafford, printed blanks, fifteen (15) dollars and twenty (20) cents; David McMullin, Jr., forage, twenty thousand seven hundred and twenty-six (20,726) dollars and twenty-six (26) cents; Chas. J. Field's Sons, sponges, stoves, tools, etc., one thousand two hundred and six (1,206) dollars and forty-five (45) cents; Wm. S. Hansell & Son, blankets, etc., two hundred and eighty (280) dollars and fifty-seven (57) cents; G. H. Clamer, castings, etc., nine hundred and forty-three (943) dollars and forty-three (43) cents; Loos & Dilworth, oil, five hundred and seventy-four (574) dollars and forty-four (44) cents; Cancos Mfg. Co., packing and polish, two hundred and eighty (280) dollars and ninety-five (95) cents; J. Alfred Clark, grates, etc., one

hundred and eighteen (118) dollars and fifty-six (56) cents; C. Schrack & Co., varnish, etc., four hundred and ninety-two (492) dollars and fifty (50) cents; Horace T. Potts & Co., iron, one hundred and fifty-four (154) dollars and twenty-nine (29) cents; Jas. J. Quigley & Sons, coils, one hundred and fourteen (114) dollars; Chas. Benton, lumber, two hundred and ninety-two (292) dollars and seventy-two (72) cents; Stephen Greene Co., code books, one hundred and fifty-four (154) dollars and eighty (80) cents; Keim Supply Co., harness and stable supplies, one thousand five hundred and eighteen (1,518) dollars and seven (7) cents; Shoemaker & Busch, soda, oil, etc., two hundred and ninety-nine (299) dollars and eighty-three (83) cents; Standard Roller Bearing Co., boxes, six hundred and four (604) dollars; Chas. W. Neeld & Co., brooms, brushes, etc., four hundred and fifty (450) dollars and eight (8) cents; Maddock & Co., lanterns, hardware, etc., two hundred and thirty-three (233) dollars and six (6) cents; J. Tritsch & Co., soap, etc., five hundred and fourteen (514) dollars and forty (40) cents; John J. McGrath, waste, three hundred and seventeen (317) dollars and eighty-four (84) cents; American Oil and Disinfectant Co., disinfectant, eighty-five (85) dollars; Wilmington Brass Co., acid jars and cages, nine hundred and ninety (990) dollars; Jos. N. Snellenburg, furniture, carpets, bedding, etc., one thousand nine hundred (1,900) dollars and one (1) cent; United Gas Improvement Co., gas, three hundred and one (301) dollars and ten (10) cents; Smith & Holthaus, coal, four thousand three hundred and thirty-eight (4,338) dollars and forty-four (44) cents; McKee & Co., coal, two hundred and twenty-five (225) dollars and sixty-three (63) cents; W. C. Kirk & Co., coal, five thousand one hundred and ninety-seven (5,197) dollars; American Ice Co., coal, four hundred and three (403) dollars; Edward Connor, coal, one thousand four hundred and thirty-three (1,433) dollars and two (2) cents; Walter C. Shipley, coal, four hundred and ninety-six (496) dollars and twenty (20) cents; William Magee's Sons, coal, sixty (60) dollars; Chas. S. Sale & Bro., coal, three hundred

and sixteen (316) dollars; Frank F. Mathers, coal, forty-six (46) dollars and fifty-one (51) cents; Robt. Henderson & Co., coal, two hundred and forty (240) dollars and seventy-seven (77) cents; Geo. A. Sinn, coal, seventy (70) dollars; Black Diamond Coal Co. (1910), coal, five hundred and fifty-six (556) dollars and twenty (20) cents; Chas. S. Sale & Bro. (1910), coal, fourteen (14) dollars and thirty-eight (38) cents; (Electrical): Clean Towel Supply Co., towel service, eighty-four (84) dollars and thirty-six (36) cents; Gans Bros., printing, stationery, etc., three hundred and twenty (320) dollars and forty-seven (47) cents; McCann Ice Co., ice, ninety-two (92) dollars and ninety (90) cents; Walsh Packing Co., packing, one hundred and fifty-seven (157) dollars and twenty-two (22) cents; Pennsylvania Alcohol and Chemical Co., alcohol, two (2) dollars and sixty-five (65) cents; Philadelphia Electric Co., lamps, etc., fifty-one (51) dollars and seventy-five (75) cents; Chas. J. Field's Sons, break arms, one hundred and forty-four (144) dollars; Knickerbocker Lime Co., stone, five hundred and twenty-five (525) dollars; Fergusson Bros., bluestone, four hundred and ninety-eight (498) dollars and eighty-five (85) cents; Shoemaker & Busch, chemical solution, two hundred and fifteen (215) dollars and sixty-seven (67) cents; The Gamewell Fire Alarm Telegraph Co., electric gong, fifty (50) dollars; Peoples Bros., bricks, cement, etc., one hundred and forty-one (141) dollars and fifty (50) cents; Robt. Henderson & Co., coal, fifty-one (51) dollars and ninety-two (92) cents; Smith & Holthaus, coal, thirty-two (32) dollars and seventy (70) cents; (Building Inspection): The Clean Towel Supply Co., for towel service, thirty-six (36) dollars and seventy-two (72) cents; The Bingham Co., for stationery, engraving, etc., one hundred and thirty-three (133) dollars and fifty (50) cents; Jos. N. Snellenburg, desks, one hundred and forty-five (145) dollars; James Arnold, binding books, etc., one hundred and five (105) dollars and forty-five (45) cents; Dunlap Printing Co., printing, etc., two hundred and sixty-nine (269) dollars and forty (40) cents; Deemer & Jaisohn, pens, three (3) dollars and thirty (30) cents;

McCann Ice Co., ice, two (2) dollars and ninety-six (96) cents; (Elevator Inspection): The Clean Towel Supply Co., towel service, thirteen (13) dollars and ninety-two (92) cents; Dunlap Printing Co., books, etc., three hundred and eighty-three (383) dollars and seventy-five (75) cents; The Bingham Co., printed blanks, one hundred and twenty-one (121) dollars; Philadelphia Rapid Transit Co., car tickets, one hundred and twenty-five (125) dollars; McCann Ice Co., ice, two (2) dollars and eighty-eight (88) cents; (Steam Engines and Boilers): The Clean Towel Supply Co., towel service, thirteen (13) dollars and ninety-two (92) cents; The Bingham Co., printed blanks, stationery, etc., four hundred and forty-one (441) dollars and thirty-eight (38) cents; Deemer & Jaisohn, printed blanks, sixty-five (65) dollars; Albert Anderman, paper, one (1) dollar and eighty (80) cents; McCann Ice Co., ice, one (1) dollar and forty-two (42) cents; (City Property): Dunlap Printing Co., printed books, blanks, etc., three hundred and eighteen (318) dollars and ten (10) cents; Iszard Warren Co., pencil rubbers, one (1) dollar and eighty (80) cents; J. H. Weil, & Co., ink, three (3) dollars; Brilliant Mfg. Co., vendor plates, two hundred and eighty-one (281) dollars and twenty-five (25) cents; Chas. J. Field's Sons, sponges, hardware, tools, etc., three hundred and nine (309) dollars and ninety (90) cents; J. Tritsch & Co., brushes, etc., five hundred and seventeen (517) dollars and forty-five (45) cents; Geo. A. Simm, gravel, two (2) dollars and ninety-eight (98) cents; McKee & Co., coal, eight thousand and thirty-six (8,036) dollars and ninety-one (91) cents; Smith & Holthaus, coal, sixty-one (61) dollars and sixty-five (65) cents; Robt. Henderson & Co., coal, one thousand one hundred and fifty-four (1,154) dollars and sixty-one (61) cents; Walter C. Shipley, coal, twenty-three (23) dollars and seventy-two (72) cents; McCann Ice Co., ice, four hundred and eighty-seven (487) dollars and seventy (70) cents; Ellis A. Gimbel, dry goods, etc., seventy-five (75) dollars and twenty-five (25) cents; American Oil and Disinfectant Co., disinfectant, one hundred and fifty-nine (159) dollars; John Wanamaker, house

furnishing goods, etc., eighty-one (81) dollars and thirty (30) cents; Phila. Grease Mfg. Co., grease, three (3) dollars and seventy-five (75) cents; Chas. Benton, lumber, four hundred and eighty-six (486) dollars and twenty (20) cents; Shoemaker & Busch, soap, etc., ninety-six (96) dollars and seven (7) cents; Tioga Saw Dust Co., saw dust, six (6) dollars; Chas. W. Neeld & Co., brooms, etc., thirty-eight (38) dollars and twenty-five (25) cents; Albert Anderman, toilet paper, one hundred and forty-seven (147) dollars and fifty (50) cents; Textile Supply Co., roach powder, etc., seventy-six (76) dollars and eighty-seven (87) cents; Seltzer, Klahr Hdw. Co., cups, two (2) dollars; (Public Works, Director's Office): The Bingham Co., printing, stationery, etc., four hundred and eighty-one (481) dollars and ten (10) cents; Dunlap Printing Co., envelopes, seven (7) dollars and six (6) cents; John Wanamaker, carpets, one hundred and twenty-six (126) dollars and eighty-two (82) cents; McCann Ice Co., ice, seventeen (17) dollars and seventy-four (74) cents; (Highways): Library Bureau, cards, three (3) dollars and eighty-seven (87) cents; C. E. Howe Co., directories, eighty-eight (88) dollars and twenty (20) cents; The Addressograph Co., addressographs, etc., two hundred (200) dollars and fifty-three (53) cents; Gans Bros., fasteners, seventy-two (72) cents; James Arnold, books, sixty-three (63) dollars; Chas. J. Field's Sons, hardware, tools, etc., nine hundred and five (905) dollars and fifty-one (51) cents; Deemer & Jaisohn, stationery, thirty-nine (39) dollars and forty-eight (48) cents; The Bingham Co., printing, stationery, etc., two hundred and thirty (230) dollars and forty-one (41) cents; Albert Anderman, printing, stationery, etc., one hundred and thirty-seven (137) dollars and sixty-seven (67) cents; Dunlap Printing Co., printed books, blanks, etc., three thousand six hundred and eight (3,608) dollars and fifty-three (53) cents; Clean Towel Supply Co., towel service, forty-six (46) dollars and fifty-six (56) cents; American Ice Co., ice, three hundred and one (301) dollars and ninety-six (96) cents; McCann Ice Co., ice, ten (10) dollars and sixty-three (63) cents; Jos. N. Snellenburg, carpet, one

hundred and seventy-six (176) dollars; E. C. Rahme, newspapers, twelve (12) dollars and fifty-two (52) cents; Smith & Holthaus (1910), coal, eleven (11) dollars and thirty (30) cents; Iszard Warren Co., draughting materials, six (6) dollars and eighty-nine (89) cents; Boston Hook Sewer Rod Co., rods, two hundred and fifty-five (255) dollars; Richard Levick's Son & Co., boots, two hundred and thirty-seven (237) dollars and twelve (12) cents; Midvale Steel Co., steel, five (5) dollars and twenty (20) cents; Seltzer, Klahr Hdw. Co., tools, etc., eight (8) dollars and forty-one (41) cents; W. W. Hodgson, brushes, four (4) dollars; Geo. A. Sinn, stone, gravel, grit, etc., eight hundred and eighty-five (885) dollars and seventy-five (75) cents; Jos. N. Snellenburg, cooler, seven (7) dollars and twenty-eight (28) cents; J. Jacob Shannon & Co., Inc., timber doillies, twenty-one (21) dollars and sixty (60) cents; Detroit Graphite Co., paint, one hundred and fifty-three (153) dollars and seventy (70) cents; N. Z. Graves Co., paint, etc., two hundred and twenty-four (224) dollars and twenty-five (25) cents; Loos & Dilworth, oils, three hundred and nine (309) dollars and eighty (80) cents; Keystone Albumen and Paint Co., paint, one thousand four hundred and seventy-eight (1,478) dollars and forty (40) cents; Belmont Iron Works, iron and steel, six hundred and sixty-one (661) dollars and eighty-three (83) cents; Amphibolin Chemical Works, paint, one hundred and seventy-five (175) dollars; Horace T. Potts & Co., iron, twenty-nine (29) dollars and eighteen (18) cents; Jas. J. Quigley & Son, stoves, etc., fifty-nine (59) dollars and forty-seven (47) cents; J. Alfred Clark, castings, two thousand five hundred and sixty-four (2,564) dollars and fifty (50) cents; Maddock & Co., hardware, tools, etc., six hundred and ninety-two (692) dollars and ninety-three (93) cents; Midland Metal Co., castings, one hundred and twenty-five (125) dollars; Peoples Bros., cement, bricks, sand, etc., two thousand six hundred and seventy-seven (2,677) dollars and three (3) cents; Chas. Benton, lumber, forty-three thousand one hundred and forty-three (43,143) dollars and eighty-six (86) cents; J. Walter Maxwell, dripstones, blocks, etc., five

hundred and ninety-eight (598) dollars and seventy-two (72) cents; Shoemaker & Busch, oil, fifty-two (52) dollars and sixty-six (66) cents; Chas. K. Smith & Co., oil, two hundred and sixty-two (262) dollars and five (5) cents; E. H. Abbott, fittings, forty-two (42) dollars and ninety (90) cents; Funk Machine Co., fan, sixty-two (62) dollars and eighty (80) cents; Mack Manufacturing Co., bricks and blocks, two hundred and thirty-nine (239) dollars and fifty (50) cents; W. C. Kirk & Co., coal, thirteen (13) dollars and eighty (80) cents; Union Petroleum Co., oil, etc., one (1) dollar and ninety (90) cents; Wm. Davey's Sons, badges, sixty-nine (69) dollars; (Lighting): McCann Ice Co., ice, two (2) dollars and eighty-eight (88) cents; E. V. Smith, atlas, twenty-five (25) dollars; (Surveys): Keystone Blue Paper Co., draughting materials, two hundred and ninety-four (294) dollars and four (4) cents; The Bingham Co., printing, stationery, etc., two hundred and fifty-one (251) dollars and forty-five (45) cents; Albert Anderman, printing, stationery, etc., three hundred and forty-seven (347) dollars and forty-four (44) cents; Dunlap Printing Co., printing, stationery, etc., eight hundred and sixty-three (863) dollars and ninety-two (92) cents; Clean Towel Supply Co., towel service, one hundred and eighty-seven (187) dollars and thirty-two (32) cents; Jas. M. Vance & Co., tools, etc., four (4) dollars and fifty-four (54) cents; McCann Ice Co., ice, thirty-four (34) dollars and sixty-one (61) cents; Queen & Co., magnifiers, etc., eleven (11) dollars and seventy-six (76) cents; Maddock & Co., scale, etc., ten (10) dollars and nine (9) cents; McKee & Co., coal, forty-one (41) dollars and thirty (30) cents; Robt. Henderson & Co., coal, twenty-three (23) dollars; William Magee's Sons, coal, eight hundred and forty-four (844) dollars; American Ice Co., ice, one hundred and fifty-nine (159) dollars and ninety-six (96) cents; Iszard Warren Co., Inc., draughting materials, five hundred and eighteen (518) dollars and eighty-four (84) cents; F. Weber & Co., draughting materials, one hundred and thirty-one (131) dollars and twenty-three (23) cents; J. H. Weil & Co., draughting materials, two hundred and thirty-eight

(238) dollars and twenty-six (26) cents; Muleconroy Co., boots, eighteen (18) dollars and ninety-three (93) cents; Williams, Brown & Earle, Inc., draughting materials, two hundred and twenty-six (226) dollars and fifty-seven (57) cents; James Arnold, books, fourteen (14) dollars; John S. Strafford, printed blanks, four (4) dollars; A. Pomerantz & Co., draughting materials, five (5) dollars and six (6) cents; (Water): The Bingham Co., stationery, etc., one hundred and three (103) dollars and thirty-six (36) cents; Deemer & Jaisohn, stationery, etc., one hundred and twenty-nine (129) dollars and seventy-five (75) cents; McCann Ice Co., ice, thirty-four (34) dollars and fifty-six (56) cents; Clean Towel Supply Co., towel service, four hundred and thirty-eight (438) dollars and fifty-two (52) cents; Gans Bros., fasteners, four (4) dollars; John Wanamaker, subscriptions, seven (7) dollars and seventy-five (75) cents; Dunlap Printing Co., printed books, blanks, stationery, etc., five hundred and forty-seven (547) dollars and twenty (20) cents; Elvino V. Smith, atlases, three hundred (300) dollars; Geo. W. Bromley & Co., atlases, one hundred and twenty (120) dollars; James Arnold, printed books, etc., seven hundred and ten (710) dollars; Albert Anderman, printing, stationery, etc., one hundred and eighty-two (182) dollars and ninety-eight (98) cents; American Ice Co., ice, one thousand eight hundred and sixty (1,860) dollars and ninety-six (96) cents; Wm. H. Hoskins Co., stationery, seventy-two (72) dollars and fifty-three (53) cents; T. J. Milner, printed blanks, fifteen (15) dollars; Library Bureau, cards, one hundred and six (106) dollars and seventy-one (71) cents; John S. Strafford, tablets, eleven (11) dollars and fifty (50) cents; John R. McFetridge, cards, twenty-one (21) dollars and ninety (90) cents; Phila. and Reading Coal and Iron Co., coal, one hundred and twenty-five thousand six hundred and nine (125,609) dollars and eighty-one (81) cents; Henderson, Hughes & Co., coal, forty-one thousand eight hundred and eight (41,808) dollars and fifteen (15) cents; Keystone Coal and Coke Co., coal, three thousand nine hundred and ninety-two (3,992) dollars and forty-two (42)

cents; Rogers-Corr Coal Co., coal, thirty-six thousand one hundred and eighteen (36,118) dollars and eight (8) cents; Lehigh Coal and Navigation Co., coal, twenty-nine thousand nine hundred and fifty-three (29,953) dollars and fifty-four (54) cents; Robt. Henderson & Co., coal, three thousand seven hundred and ninety-three (3,793) dollars and ninety-nine (99) cents; W. C. Kirk & Co., coal and wood, five hundred and seventy-seven (577) dollars and eighty-two (82) cents; Smith & Holthaus, coal, fifty-four (54) dollars and five (5) cents; Kirkpatrick, Black Co., coke, ninety-seven (97) dollars and thirty (30) cents; Phila. Grease Co., grease, seven hundred and seventy (770) dollars; Chas. K. Smith & Co., oil, six hundred and sixty-six (666) dollars and thirty-two (32) cents; Matthew Fulton & Co., oil, eighty-seven (87) dollars and seventy-five (75) cents; Loos & Dilworth, oils, etc., twelve thousand one hundred and seventy-four (12,174) dollars and fifty-five (55) cents; John Lucas & Co., paints, one hundred and sixty-seven (167) dollars and ninety (90) cents; N. Z. Graves Co., paints, varnishes, etc., three thousand three hundred and thirty-four (3,334) dollars and fourteen (14) cents; Wm. J. Donahue & Co., gasoline, two hundred and seventy-five (275) dollars and fifty-two (52) cents; Commercial Lubricating Co., grease, four hundred and seventy-four (474) dollars and eighty-seven (87) cents; Union Petroleum Co., oil, six (6) dollars; Chas. J. Field's Sons, hardware, tools, etc., nine hundred and seventeen (917) dollars and thirty-six (36) cents; J. Tritsch & Co., brushes, soap, etc., eight hundred and eighty-three (883) dollars and forty-three (43) cents; Fleck Bros. Co., pig lead, etc., seven thousand eight hundred and ninety-four (7,894) dollars and forty-three (43) cents; Maddock & Co., hardware, tools, etc., nine hundred and ninety-four (994) dollars and fifty-six (56) cents; Samuel D. Lit, rakes, three (3) dollars and seventy (70) cents; J. M. Vance & Co., roofing felt, eighteen (18) dollars and seventy-five (75) cents; Robsmith Specialty Co., grate bars, etc., two thousand four hundred and sixty-nine (2,469) dollars and thirty-two (32) cents; J. Jacob Shannon Hardware Co., wire, nine

(9) dollars and seventy-five (75) cents; Jas. J. Quigley & Son, iron, copper, etc., one hundred and forty-eight (148) dollars and sixty-two (62) cents; Seltzer Klahr Hardware Co., cups, etc., five (5) dollars and fifteen (15) cents; J. Alfred Clark, castings, one thousand five hundred and ninety-six (1,596) dollars and seventy-eight (78) cents; Standard Supply and Equipment Co., wire cable, ninety-nine (99) dollars and sixty-six (66) cents; General Specialty Co., cleaner and hose, one hundred and forty (140) dollars; Garlock Packing Co., packing, seven hundred and seventy (770) dollars and forty-four (44) cents; Quaker City Rubber Co., hose, etc., two hundred and fourteen (214) dollars and fifty (50) cents; Standard Mfg. and Supply Co., gaskets, seventy-eight (78) dollars and thirty (30) cents; Double Service Packing Co., packing, forty (40) dollars and twenty-five (25) cents; Mulconroy Co., Inc., gloves, etc., one hundred and fifty-two (152) dollars and thirty-eight (38) cents; Schoen Jackson Co., hose, seventy-seven (77) dollars and ninety (90) cents; Clement Restein Co., packing, etc., two thousand two hundred and seventy-nine (2,279) dollars and twenty-one (21) cents; Cancos Mfg. Co., packing, one hundred and eighty-one (181) dollars and twenty-five (25) cents; Anchor Packing Co., packing, one thousand five hundred and forty-nine (1,549) dollars and fifty (50) cents; Rich'd Levick's Son & Co., boots, etc., six hundred and ninety-six (696) dollars and thirty (30) cents; Henry J. Rife, leather, eight hundred and thirty-six (836) dollars and thirty-six (36) cents; Chas. W. Neeld & Co., brooms, etc., two hundred and twenty-five (225) dollars and ninety-nine (99) cents; John J. McGrath, waste, seven hundred and thirty-six (736) dollars and seventeen (17) cents; Est. of Chas. Perkes, cocks, etc., five hundred and ninety-nine (599) dollars and three (3) cents; Frank T. Dunlap, blankets, etc., twenty-two (22) dollars and sixty-two (62) cents; Watson & Co., cheese cloth, two (2) dollars and thirteen (13) cents; Pickering Mfg. Co., brushes, forty-five (45) dollars and seventy-two (72) cents; Textile Supply Co., canvas, thirty-three (33) dollars and sixty-six (66) cents;

Shoemaker & Busch, house cleaning supplies, etc., one thousand five hundred and four (1,504) dollars and fifty-four (54) cents; Arthur H. Thomas Co., laboratory supplies, two hundred and ninety-six (296) dollars and forty (40) cents; Chas. M. Sheldrake, pipe and fittings, five hundred and fifty-one (551) dollars and eighty-four (84) cents; McArdle & Cooney, tubes, pipe and fittings, etc., one thousand seven hundred and forty-seven (1,747) dollars and sixty-four (64) cents; Bridgeman Bros. Co., brass unions, cocks, pipe, fittings, etc., one thousand four hundred and twenty-four (1,424) dollars and twenty-seven (27) cents; Walter T. Bradley Co., fire brick, etc., four hundred and sixty-seven (467) dollars; Geo. A. Sinn, fire clay, etc., two hundred and sixty-four (264) dollars and ninety (90) cents; Ford & Kendig Co., cocks, valves, etc., eight hundred and fifty-six (856) dollars and ninety-seven (97) cents; G. H. Clamer, castings, two thousand four hundred and seventy-three (2,473) dollars and thirty-five (35) cents; H. W. Johns Manville Co., asbestos cement, ninety (90) dollars; Ehret Magnesia Mfg. Co., asbestos, eighteen (18) dollars and eighty (80) cents; Chas. Benton, lumber, six thousand nine hundred and ninety-two (6,992) dollars and nineteen (19) cents; R. A. & J. J. Williams, lumber, thirty-four (34) dollars and fifteen (15) cents; David McMullen, Jr., forage, one thousand four hundred and forty-eight (1,448) dollars and five (5) cents; Horace T. Potts & Co., iron and steel, one thousand and forty-four (1,044) dollars and sixty-eight (68) cents; H. W. Middleton Co., steel, sixty-seven (67) dollars and nine (9) cents; Belmont Iron Works, iron, two (2) dollars and seventy-five (75) cents; Midvale Steel Co., steel, ten (10) dollars and two (2) cents; People Bros., cement and sand, one thousand one hundred and twenty-eight (1,128) dollars and thirty-eight (38) cents; Knickerbocker Lime Co., stone, grit, etc., five hundred and eleven (511) dollars and twenty-four (24) cents; E. R. Tourison Co., exploders, thirteen (13) dollars and fifty (50) cents; Walker & Kepler, electrical supplies, four hundred and fifty-seven (457) dollars and forty-one (41) cents; A.

P. Smith Mfg. Co., tapping machines, one hundred and seventy-five (175) dollars; Keim Supply Co., harness and stable supplies, one hundred and thirty-five (135) dollars and sixty-three (63) cents; W. S. Hansell & Sons, whip, one (1) dollar and ninety-eight (98) cents; Deal Boiler Compound Co., boiler compound, six hundred and twenty-five (625) dollars. (Wharves, Docks and Ferries, Director's Office): Albert Anderman, stationery, etc., twenty (20) dollars and thirty-two (32) cents; James Arnold, book, nine (9) dollars; Chas. J. Field's Sons, hammer, thirty-two (32) cents; Decmer & Jaisohn, stationery, fifteen (15) dollars and five (5) cents; Dieges & Cluct, badges, seventeen (17) dollars and seventy (70) cents; The Bingham Co., printing, stationery, etc., six hundred and ninety-nine (699) dollars and sixty (60) cents; Iszard Warren Co., draughting material, thirty-eight (38) dollars and fifty-three (53) cents; Clean Towel Supply Co., towel service, sixty-two (62) dollars and forty (40) cents; Kaufman Mfg. Co., Inc., table, twenty-five (25) dollars; Williams, Brown & Earle, Inc., book-case, etc., thirty-one (31) dollars and ninety-three (93) cents; Remington Typewriter Co., typewriter, sixty-four (64) dollars and ten (10) cents; T. J. Milner, printing, six (6) dollars and seventy-five (75) cents; J. J. Shannon & Co., ventilators, etc., fifteen (15) dollars and forty-four (44) cents. (Ice Boats): The Bingham Co., printing, etc., eleven (11) dollars; Martin W. Bougher, groceries, two hundred and sixty (260) dollars and seventy-six (76) cents; Chas. J. Field's Sons, hardware, eighteen (18) dollars and two (2) cents; Loos & Dilworth, oil, three (3) dollars and thirty (30) cents; Chas. Benton, lumber, one hundred and fifty-six (156) dollars and ten (10) cents; Maddock & Co., rope, etc., one hundred and eighty-two (182) dollars and seventy-four (74) cents; Vacuum Oil Co., oil, twenty-eight (28) dollars and twenty (20) cents; Shoemaker & Busch, soap, etc., thirty-nine (39) dollars and thirty-seven (37) cents; Frank X. Mathis, provisions, two hundred and thirty (230) dollars and six (6) cents; American Ice Co., ice, three (3) dollars and seventy-five (75) cents. (Dredging Plant):

Chas. D. Norton Co., coal, fourteen (14) dollars and three (3) cents; Henderson, Hughes & Co., coal, three thousand one hundred and fifty-three (3,153) dollars and fifty-two (52) cents; Martin W. Bougher, groceries, one thousand five hundred and thirty-eight (1,538) dollars and fifty-four (54) cents; Frank X. Mathis, provisions, two thousand two hundred and forty-nine (2,249) dollars and fifty-six (56) cents; American Ice Co., ice, twenty-one (21) dollars and twenty-six (26) cents; Frank T. Dunlap, soap, twelve (12) dollars and forty (40) cents; Shoemaker & Busch, brushes, paints, etc., one hundred and forty (140) dollars and sixty-one (61) cents; Clement Restein Co., packing, one hundred and sixty-three (163) dollars and ninety-three (93) cents; Vacuum Oil Co., oil, twenty (20) dollars; Chas. J. Field's Sons, hardware, tools, etc., one hundred and forty-eight (148) dollars and eighty-three (83) cents; Maddock & Co., hardware, tools, etc., three hundred and forty-eight (348) dollars and twenty-four (24) cents; Seltzer Klahr Hardware Co., blocks, thirty (30) dollars and twenty-four (24) cents; Quaker City Iron Works, pipe, etc., one thousand and eighty-nine (1,089) dollars; total, seven hundred and three thousand four hundred and eighty-seven (703,487) dollars and forty-six (46) cents.

City Commissioners: To Item $1\frac{1}{2}$ (new), to pay bill of Asylum for Chronic, Wernersville, Pa., four thousand one hundred and twenty-five (4,125) dollars and fifty-seven (57) cents; to pay bill of Eastern State Penitentiary, Philadelphia, eight thousand nine hundred and thirty-four (8,934) dollars and eighty-two (82) cents; total, thirteen thousand and sixty (13,060) dollars and thirty-nine (39) cents.

City Controller: To Item $1\frac{1}{2}$ (new), to pay bills of Dunlap Printing Co., for work done and material furnished, as follows: 250 copies preliminary of Controller's Report for 1910, extra proofs, etc., ninety (90) dollars; 100 additional copies of preliminary to Controller's Report for 1910, five (5) dollars; 350 copies statement of City Controller for 1911, alterations and overtime, four hundred and ninety-nine (499) dollars and thirty-five

(35) cents; to pay bill of the Statistical Service Company, for completion of data, etc., two hundred and twenty-five (225) dollars; total, eight hundred and nineteen (819) dollars and thirty-five (35) cents.

Clerks of Councils: To pay bill of Philadelphia Press, for advertising proposal, thirty-nine (39) dollars.

Law Department: To Item 1½, to pay bills of experts in Road Bureau cases and accident cases, five thousand six hundred and eighty (5,680) dollars; to pay Thomas F. Bradley, serving notices, fifteen (15) dollars and five (5) cents; Francis P. Malone, affidavits, fifty-seven (57) dollars; Lewis D. Bach, affidavits, sixty (60) dollars and fifty (50) cents; Samuel J. Fisher, affidavits, three (3) dollars and fifty (50) cents; Frank J. Quinn, serving notices, one hundred and six (106) dollars and fifteen (15) cents; total, five thousand nine hundred and twenty-two (5,922) dollars and twenty (20) cents.

Prothonotary: To Item 1½ (new), to pay bills for binding books, rebinding, stationery, blanks, etc., three thousand nine hundred and sixty-five (3,965) dollars and twenty-nine (29) cents.

Approved the twenty-ninth day of March, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of a portion of City plan No. 214, bounded by Greene street, Carpenter street, Wissahickon avenue and Allens lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and

directed to revise the lines and grades of that portion of City plan No. 214, bounded by Greene street, Carpenter street, Wissahickon avenue and Allens lane.

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Making an appropriation to the Mayor towards defraying the expenses of the Twelfth International Congress of Navigation, incident to the meeting of said Congress, to be held in Philadelphia.

WHEREAS, The Permanent International Association of Navigation Congresses, acting upon the invitation of the Secretary of State of the United States and the Mayor of the City of Philadelphia, will hold its next session in the City of Philadelphia, during the year 1912;

AND WHEREAS, The object of the Permanent International Association of Navigation Congresses is to promote the progress of inland and maritime navigation, continuing the work of the eleven International Congresses, the last of which was held in St. Petersburg, Russia, in the year 1908;

AND WHEREAS, There will be delegates from approximately forty different nations attending this Congress, as well, it is hoped, as a considerable part of the two thousand members of the Association;

AND WHEREAS, It has always been customary, in connection with these Congresses, to organize visits of inspection to leading points of river and harbor, engineering and industrial interests in the country in which each Congress is held, the expenses of these being paid by the country or locality visited, and as it is regarded

as very desirable that many such points in the City of Philadelphia and vicinity be visited by the distinguished members and delegates attending;

AND WHEREAS, The City of Philadelphia will be materially benefited and widely advertised by the inspection of her leading industries, and her waterway and other public improvements, in progress and proposed;

AND WHEREAS, The United States Government appropriated fifty thousand (50,000) dollars, and the State of Pennsylvania, by an Act of Assembly, approved the fourteenth day of June, 1911, twenty-five thousand (25,000) dollars, with which to defray part of the expenses of this Congress; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to the Mayor, to Item 47, towards defraying the expenses of the Twelfth International Congress of Navigation, to supplement the Federal appropriation of fifty thousand (50,000) dollars and the State appropriation of twenty-five thousand (25,000) dollars.

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation out of loan approved June 19, 1911, to the Board of Recreation (Department of Recreation).

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred thousand (100,000) dollars be, and the same is hereby appropriated out of loan approved June 19, 1911,

to the Board of Recreation (Department of Recreation), for the erection of buildings, shelter sheds, construction of swimming pools, resurfacing and drainage of grounds, erecting drinking fountains, fencing, installation of gymnasium apparatus and such other appliances and appurtenances necessary for the development and improvement of grounds, recreation centers and playgrounds.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance to make an appropriation to the Department of Public Health and Charities, for the year 1912."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance entitled "An Ordinance to make an appropriation to the Department of Public Health and Charities, for the year 1912," approved the twenty-ninth day of December, 1911, be, and the same is hereby amended, as follows: By striking out in Section 2, Item 1, the words "Chief, Division of School Medical Inspection," and inserting in lieu thereof the words "Assistant Chief Medical Inspector."

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Wharves, Docks and Ferries, Supplies and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Wharves, Docks and Ferries, Supplies and City Treasurer, for the year 1912, viz.: Department of Wharves, Docks and Ferries: From Item 1, for salaries, nine hundred (900) dollars. City Treasurer: From Item 19, to report vital statistics, six hundred (600) dollars; total, one thousand five hundred (1,500) dollars, to the following: Department of Wharves, Docks and Ferries: To Item 30, for re-arranging offices, including partitions, railings, etc., three hundred (300) dollars. Department of Supplies (Wharves, Docks and Ferries): To Item 1, for stationery, printing, binding, etc., six hundred (600) dollars. City Treasurer: To Item 21, for Bell and Keystone telephone service, six hundred (600) dollars.

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of Sherman and Cliveden streets, in the Twenty-second Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Sherman street, from John-

son to Cliveden street; and of Cliveden street, from Sherman to Greene street: *Provided*, That Alice M. Paul shall, within one year from the approval of this ordinance, file an agreement, satisfactory to the City Solicitor, not to claim damages by reason of the revision of the lines and grades of Sherman street, between Johnson and Cliveden streets.

Approved the tenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Transferring the control and custody of the Morgue property from the Department of Public Safety to the Coroner, and authorizing the transfer of certain employees.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the control and custody of the property known as the "City Morgue" be, and the same is hereby transferred from the Department of Public Safety (Bureau of City Property) to the Coroner.

SECT. 2. The City Controller be, and he is hereby authorized to transfer the following employees, viz.: Department of Public Safety (Bureau of City Property), from Item 1, City Morgue, superintendent, one thousand (1,000) dollars; assistant superintendent, with use of house, seven hundred and twenty (720) dollars; engineer, one thousand (1,000) dollars, and helper, six hundred (600) dollars; to the Coroner, to Item 1, together with such balances as may be credited to the salaries of said employees.

Approved the thirteenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Designating the Continental-Equitable Title and Trust Company as a depository of the City's money.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Continental-Equitable Title and Trust Company be, and is hereby designated as a depository of the City's money: *Subject, however*, To the provisions of the ordinance approved April 9, 1892.

Approved the thirteenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit the Simmons Hardware Company to construct a bridge over and across Appletree street, west of Fourth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Simmons Hardware Company to construct a bridge over and across Appletree street, west of Fourth street, to connect the building in the rear of Nos. 421 to 427 Arch street with their building on the north side of said Appletree street, to be used exclusively in the conduct of their own business. The said bridge to be constructed of steel, iron and glass, and not to exceed twelve feet in width and nine feet in height, and to have a clearance of not less than twenty feet above the curb level; and shall be constructed in accordance with plans to be approved by the Department of Public Works. Before exercising any privilege under this ordinance, the said Simmons Hardware Company shall enter into an agreement, satisfactory to the City Solicitor, pro-

tecting the City from all damages by reason of the construction and maintenance of said bridge, and to remove the same at any time upon the passage of an ordinance to that effect; and shall pay into the City Treasury the sum of fifty (50) dollars to cover the cost of publication of this ordinance.

Approved the thirteenth day of April. A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an additional appropriation to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Civil Service Commission, City Commissioners, Clerks of Councils, District Attorney and City Treasurer for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and twenty-eight thousand five hundred and twenty-six (128,526) dollars and eleven (11) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Civil Service Commission, City Commissioners, Clerks of Councils, District Attorney and City Treasurer, for the year 1912, viz.:

Department of Public Safety (Director's Office): To Item 6, for the horse watering stations of the Women's Pennsylvania Society for the Prevention of Cruelty to Animals, one thousand (1,000) dollars, said appropriation to be paid in three installments in July, August and September; (Bureau of City Property): To Item 68, for repairing and re-furnishing fire engine house on Snyder avenue, west of Fifteenth street, in the Twen-

ty-sixth Ward, ten thousand (10,000) dollars; to Item 9, for new roof, repairs, etc., to Morgue, two thousand (2,000) dollars.

Department of Public Works (Director's Office): To Item 1, to pay salary of telephone switchboard operator, at the rate of four hundred and eighty (480) dollars per annum, to date from March 1, four hundred (400) dollars; (Bureau of Highways): To Item 10, pay salaries of three electrical draw operators, at one thousand (1,000) dollars per annum each, and four watchmen, at a salary of seven hundred and twenty (720) dollars per annum each, for the Passyunk avenue draw bridge, Schuylkill river, and forty (40) dollars each per annum for uniforms; total, six thousand one hundred and sixty (6,160) dollars; To Item 63, for repaving, regrading, setting and resetting curb and to complete the widening of the roadway on Grays Ferry avenue, between Washington avenue and Thirty-sixth street, ten thousand (10,000) dollars; to Item 64, to pay bill of Filbert Paving and Construction Company for paving cartway of York road, north of Hunting Park avenue, in front of the Evangelical Home for the Aged, three hundred and eighty-nine (389) dollars and ninety-two (92) cents; and to refund to the Masonic Home of Pennsylvania money expended for paving west side of York road, between Boulevard and extension of Hunting Park avenue, one hundred and eighty-one (181) dollars and eighty-seven (87) cents; to refund to the Evangelical Lutheran Church of the Redeemer, Thirty-fifth and Midvale avenue, money expended for curbing in front of church, ninety (90) dollars and thirty-five (35) cents; to pay bill of Barber Asphalt Paving Company for the paving of Tabor street, east of Third street, in front of the First Presbyterian Church of Olney, one hundred and seventy-two (172) dollars and ninety-three (93) cents; total, eight hundred and thirty-five (835) dollars and seven (7) cents: *Provided*, Said bills be first assigned to the City of Philadelphia for cancellation; to Item 1 $\frac{1}{2}$, to pay James Irvin for resurfacing River road, fifty-seven (57) dollars and ninety-seven (97) cents; to Item 65, to pay bill of James Irvin for removal of snow during January and February, eight thousand three hundred and

fifty-one (8,351) dollars and forty-four (44) cents; to Item 66, to reimburse the Filbert Paving and Construction Company for expenses incurred in connection with annulled contract for repaving of Vine street, from Front to Third street, five hundred and thirty-eight (538) dollars and fifty-five (55) cents; to Item 67, to pay the Vacuum Carpet and House Cleaning Company for cleaning rooms 230 to 238, inclusive, and room 543, City Hall, three hundred (300) dollars; to Item 68, to pay for laying temporary terra cotta stormwater drain in Twelfth street and in Sixty-fifth avenue north, to Eleventh street and Warnock street, eight hundred and fifty (850) dollars; to Item 69, for macadamizing Vandyke street, from Princeton avenue to St. Vincent street; Edmund street, from St. Vincent street to Cottman street; Friendship street, from Hagerman street to Torresdale avenue; St. Vincent street, from Keystone street to Hagerman street; and any balance remaining to be used for the laying of brick gutters on Disston street, between Tulip and Keystone streets, seven thousand (7,000) dollars; (Bureau of Surveys): To Item 38, to pay Howard E. Ruch for the construction of sewers on the north side of Allegheny avenue, west of Third street, and on the south side of Allegheny avenue, east from Fourth street, under the bed of the North Pennsylvania Railroad, three hundred and thirty-nine (339) dollars; to pay bill of Peter Ellis for construction of sewer in Wyoming avenue, east of A street, in front of property of United Presbyterian Church, one hundred and twenty (120) dollars; to pay bill of George E. Cantrell for the construction of sewer in Wilder street, east of Fifth street, in front of property of Mt. Sinai Hospital, one hundred and five (105) dollars; to pay bill of P. Durkins for the construction of sewer in Park avenue, north of Hunting Park avenue, in front of property of Evangelical Home for the Aged, two hundred and five (205) dollars and fifty (50) cents; total, seven hundred and sixty-nine (769) dollars and fifty (50) cents: *Provided*, Said bills be first assigned to the City of Philadelphia for cancellation; (Bureau of Water): To Item 1, so as to provide for a stop attendant, at the rate of one thousand (1,000) dollars per annum, said ap-

pointment to date from April 1, seven hundred and fifty (750) dollars; to Item 9, to pay balance due extra clerks for writing water register books for the year 1912: Carol M. Black, sixty-two (62) dollars and fifty-two (52) cents; Joseph F. Barron, fourteen (14) dollars and sixty-five (65) cents; William Beitler, thirty-six (36) dollars and eleven (11) cents; William H. Coupe, twenty-five (25) dollars and seventy-seven (77) cents; Harry L. Christy, thirty-one (31) dollars and forty-seven (47) cents; Alvin C. Deemer, seventeen (17) dollars and sixty-six (66) cents; Ralph Flaherty, thirty-four (34) dollars and thirty (30) cents; Fred. Garman, forty-six (46) dollars and six (6) cents; William R. Graham, fifteen (15) dollars and nine (9) cents; Harry Gehman, thirty-one (31) dollars and sixty-six (66) cents; William J. Gibson, twenty (20) dollars and forty-two (42) cents; William E. Hickling, fifty-one (51) dollars and twenty-eight (28) cents; Fred. Jordan, sixteen (16) dollars and forty-eight (48) cents; Charles C. Kerr, seventeen (17) dollars and thirty-five (35) cents; Carl Muhly, fifty-six (56) dollars and thirty-three (33) cents; William E. Mehlman, thirteen (13) dollars and fifty (50) cents; Harry M. Platt, fifty-six (56) dollars and twenty-five (25) cents; George G. Paul, nineteen (19) dollars and eighty-five (85) cents; Robert T. Quinn, fifty-seven (57) dollars and ninety (90) cents; J. F. Schwindt, fifty (50) dollars and ninety-nine (99) cents; Alex. W. Selfridge, fifteen (15) dollars and fifty-six (56) cents; Harry Tuttle, eleven (11) dollars and forty (40) cents; John Welsh, thirteen (13) dollars and forty-eight (48) cents; total, seven hundred and sixteen (716) dollars and eight (8) cents.

Department of Public Health and Charities (Director's Office): To Item 12, for rental of a steamboat to be used for giving free daily (except Sundays) excursions, during July and August, for the children of the public and parochial schools, ten thousand (10,000) dollars; (Bureau of Health): To Item 17, for the relief of children in the congested districts during the heated term, two thousand five hundred (2,500) dollars; to Item 18, for the purchase of ice for distribution among the poor during the

summer months, two thousand five hundred (2,500) dollars; to Item 19, for the execution of the Plumbers' Registration Act, one thousand (1,000) dollars; (Bureau of Charities): To Item 51, for the purchase of milk and ice for the sick, two thousand five hundred (2,500) dollars; to Item 52, for repairing shoes, one thousand eight hundred (1,800) dollars.

Department of Supplies (Surveys): To Item 13½ (new), for chemicals, apparatus and supplies for Testing Laboratory, six hundred (600) dollars.

Mayor: To Item 48, for maintenance of Philadelphia Band, fourteen thousand (14,000) dollars.

Civil Service Commission: To Item 2, for salaries, two assistant examiners, at the rate of one thousand eight hundred (1,800) dollars each per annum; two clerks or stenographers, at the rate of one thousand (1,000) dollars each per annum; three clerks or stenographers, at the rate of seven hundred and twenty (720) dollars each per annum; Medical Examiner, at the rate of one thousand six hundred (1,600) dollars per annum; assistant to the Medical Examiner, at the rate of nine hundred (900) dollars per annum; investigator, at the rate of one thousand two hundred (1,200) dollars per annum, said appointments to date from April 1; total, eight thousand five hundred and ninety-five (8,595) dollars; to Item 3, for advertising, extra clerk hire, repairs, alterations, postage, expert services, incidentals and apparatus, two thousand five hundred and fifty (2,550) dollars.

City Commissioners: To Item 1, so that the salary of the Court Criers shall be at the rate of two thousand (2,000) dollars per annum each, from January 1, six hundred (600) dollars; to Item 7, so that the salary of the clerk of Board of Jurors shall be at the rate of two thousand (2,000) dollars per annum, from January 1, six hundred (600) dollars; to Item 37, so as to provide for salary of messenger from January 1, eight hundred and forty (840) dollars.

Clerks of Councils: To Item 2, for printing Journals and other documents, four thousand (4,000) dollars; to

Item 3, for binding Journals, ordinances and other documents, one thousand (1,000) dollars; to Item 7, for postage, engrossing, incidentals, etc., ten thousand (10,000) dollars; to Item 7½, for the entertainment of Congressional Committee invited to view the harbor and League Island, five thousand (5,000) dollars; to Item 10, for a proper celebration of the Fourth of July, five thousand (5,000) dollars; to Item 12, toward defraying the expenses of the Twelfth Annual Encampment of the American Veterans of Foreign Service, five thousand (5,000) dollars, said money to be expended under supervision of the Committee on Finance.

District Attorney: To Item 2, so that the salary of two stenographers and typewriters shall be at the rate of one thousand two hundred (1,200) dollars each per annum, from April 1, three hundred (300) dollars.

City Treasurer: To Item 1, so that the salary of the State Clerk shall be at the rate of two thousand two hundred and fifty (2,250) dollars per annum, from April 1, four hundred and twelve (412) dollars and fifty (50) cents.

Approved the thirteenth day of April. A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Of sympathy to the survivors, relatives and friends of the passengers who lost their lives in the destruction of the steamship "Titanic," and suspending Joint Rule No. 30 of Select and Common Councils.

WHEREAS, On the night of April 14, 1912, the great ship "Titanic," conveying from Europe to their homes in this City a number of men prominent in business and finance, men and women foremost in the social life and many others of our people, was destroyed by colliding with

an iceberg off the banks of Newfoundland, causing an appalling loss of life; and

WHEREAS, It is befitting that the Municipal authorities of the City of Philadelphia, in this moment of universal grief, should express the sorrow felt by our citizens, both for the loss of our people and of other citizens of our country and for the families of those who met death in this awful calamity; therefore, be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That the sympathy and condolence of our municipality is hereby tendered to the families who were called upon to suffer the loss of their loved ones, and that we express the deepest admiration for the heroic acts of the men passengers and crew in the courage and heroism displayed in the sacrifice of their lives to save the lives of women and children on board; and be it further

Resolved, That his Honor, the Mayor, be requested to have displayed at half-mast the National Standard and the City Colors from the City Hall and from all municipal buildings and vessels for such period as he may deem proper.

Resolved, That Joint Rule No. 30 of the Select and Common Councils be suspended for the purpose of enabling the Clerks of Councils to present this Resolution to the Mayor for his approval or disapproval.

Approved the eighteenth day of April, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the creation of a loan or loans by the City of Philadelphia in the sum of four million two hundred and twenty-five thousand (4,225,000) dollars for general municipal purposes, to be expended for the purchase of materials and supplies and the maintenance

of the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Mayor, City Commissioners and Commissioners of Fairmount Park, for the year 1912, for the construction of main and branch sewers, the grading and paving of streets and the improvement of the water supply in West Philadelphia.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor of the City be, and he is hereby authorized to borrow, at such times and in such proportions as in his judgment the best interests of the City demand, from the highest bidder or bidders, either by popular subscription or by advertisement, at not less than par, on the faith and credit of the City of Philadelphia, a sum or sums which in the aggregate shall not exceed four million two hundred and twenty-five thousand (4,225,000) dollars, to be expended as provided for in the second section of this ordinance.

SECT. 2. The money raised by the loan or loans authorized by the first section of this ordinance shall be expended for the purchase of materials and supplies and the maintenance of the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Mayor, City Commissioners and Commissioners of Fairmount Park, for the year 1912, and for the construction of main and branch sewers, the grading and paving of streets and the improvement of the water supply in West Philadelphia.

SECT. 3. Interest on said loan at a rate not exceeding four per centum per annum shall be paid by the City of Philadelphia, half yearly, on the first days of the months of January and July, at the office of the fiscal agency of the City of Philadelphia. Certificates of the said loan shall be in usual form, in such amounts as the lender may require, in the sums of one hundred (100) dollars and its multiples, in registered or coupon form, and it shall be expressed in the said certificates that the loan therein mentioned is payable in thirty years after date thereof, and

that the principal and interest on said loan are payable in lawful money of the United States free from all taxes.

SECT. 4. Whenever any loan shall be created by virtue of this ordinance, there is, by force of this ordinance, an annual tax levied of six and one-half ($6\frac{1}{2}$) per centum on the par value of such certificates so issued to pay the interest, also the principal, of such loan within thirty years, and there is hereby annually appropriated to the Commissioners of the Sinking Fund, out of the tax so collected, a sum sufficient to pay the interest on said loan, also the principal thereof, within thirty years and as the same become payable. The appropriation for interest to be paid semi-annually, and for the Sinking Fund quarterly to the said Commissioners.

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Beechwood, Croskey, Hemberger, Durfor, Fitzgerald, Potter and Seventh streets and Duncannon avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Beechwood street, of the width of forty feet, from Jackson to Wolf street; Croskey and Hemberger streets, each of the width of forty feet, from Jackson street to Passyunk avenue; Durfor and Fitzgerald streets, each of the width of forty feet, from Front to Second street; Potter street, of the width of forty feet, from I to Ontario street; Seventh street, of the width of fifty feet, from Sheel street to Duncannon avenue; Duncannon avenue, of the width of forty feet, from Seventh to Eighth street: *Provided*, That before said

streets shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing said streets on the plan and their subsequent opening to the confirmed lines and grades.

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Amendatory to an ordinance entitled "An Ordinance to regulate the construction of frame buildings, fences and bay windows," approved March 28, 1894.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the first section of an ordinance entitled "An Ordinance to regulate the construction of frame buildings, fences and bay windows," approved March 28, 1894, be altered and amended by striking out the words "and all of the Thirty-sixth and Thirty-seventh Wards," and inserting in lieu thereof the following: "All of the Thirty-sixth Ward, except that portion bounded by Penrose avenue, Sheaff lane, Forty-second avenue south and the tracks of the Girard Point Branch of the Pennsylvania Railroad, and all of the Thirty-seventh Ward."

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To make an additional appropriation to the County Commissioners, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty thousand two hundred and eighty (80,280) dollars be, and the same is hereby appropriated to the County Commissioners, for the year 1912, viz.: County Commissioners: To Item 2, to pay jurors, etc., ten thousand (10,000) dollars; to Item 4, to pay witness fees, five hundred (500) dollars; to Item 38, for printing, supplies, etc., fifteen thousand (15,000) dollars; to Item 41, to pay the expenses of primary election, forty thousand (40,000) dollars; to Item 46, to pay expenses of special election in First Congressional District, on April 24, fourteen thousand seven hundred and eighty (14,780) dollars.

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the grade of City avenue, from Lancaster avenue to Haverford street, and of the streets adjacent thereto.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the grade of City avenue, from Lancaster avenue to Haverford street, and of the streets adjacent thereto, in conformity with the terms and conditions of an ordinance, approved the second day of December, 1911, entitled "An Ordinance to authorize the acceptance of an

offer made by the Girard Trust Company et al., Trustees, to dedicate and convey to the City of Philadelphia land contained within the boundaries of Morris Park and streets and avenues in the Thirty-fourth Ward in the neighborhood thereof, upon the terms and conditions contained in said offer; and directing the City Solicitor to prepare and have executed the necessary deeds and other instruments, in writing, to carry such offer into effect."

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To grant permission to the Satterlee Hospital Memorial Committee to erect a memorial stone in Clarence Clark Park.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be and is hereby given to the Satterlee Hospital Memorial Committee to erect a stone memorial with bronze slab in Clarence Clark Park, in the Twenty-seventh Ward, upon ground occupied by the United States Hospital during the Civil War, and which is within the said Park lines as now established: *Provided*, That the said memorial shall be located and erected under the supervision of the Department of Public Safety (Bureau of City Property), the plans and specifications to be submitted to and approved by the Director of the said Department.

Approved the ninth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit John B. Stetson Company to construct an iron bridge over and across Montgomery street, east of Fourth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to John B. Stetson Company to construct an iron bridge over and across Montgomery street, at a point about thirty feet east of Fourth street, for the purpose of connecting their factory with their warehouse, to be used exclusively in the conduct of their own business. The said bridge not to exceed thirteen feet in width and have a clearance of at least forty-one feet four inches above the curb height; and shall be constructed under the supervision of the Department of Public Works, in accordance with plans to be approved by said Department. Before exercising any privilege under this ordinance, the said John B. Stetson Company shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridge, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time and the bridge removed upon the passage of an ordinance to that effect.

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit John B. Stetson Company to construct and maintain a pipe duct under and across Montgomery street, east of Fourth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and

is hereby granted to John B. Stetson Company to construct and maintain a pipe duct under and across Montgomery street, at a point about thirty feet east of Fourth street, connecting their factory with a building now in course of construction. The said pipe duct to have an inside width not exceeding six feet, and shall be used exclusively in the conduct of the business of said John B. Stetson Company, and shall be constructed under the supervision of the Departments of Public Works and Public Safety, and in accordance with plans to be approved by the Board of Highway Supervisors, and without interfering with any municipal or other structures in said street. Before exercising any privilege under this ordinance, the said John B. Stetson Company shall first file an agreement and bond in the sum of one thousand (1,000) dollars, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said duct, and agreeing to replace and maintain the pavement torn up by reason of said work in a manner satisfactory to the Director of the Department of Public Works, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time and the duct removed upon the passage of an ordinance to that effect.

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Manufacturers' Club of Philadelphia to construct vaults under the sidewalks in front of their property on Broad, Walnut and Moravian streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Manufacturers' Club of Phila-

delphia to construct vaults in front of their property under the sidewalks on Broad street, between Walnut and Moravian streets, and on Walnut and Moravian streets, from Broad street westward about one hundred feet west of the west house line on Broad street. The said vaults to be constructed under the supervision and to the satisfaction of the Department of Public Works, in accordance with plans to be approved by the Board of Highway Supervisors, and shall be so constructed as to leave a duct not less than four feet in width next to the curb line on said Broad and Walnut streets, for the installation of such underground structures as the City may see fit to place therein. Before exercising any privilege under this ordinance, the said Manufacturers' Club of Philadelphia shall first enter into an agreement, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the construction and maintenance of said vaults, and remove the same and restore the sidewalk to its present condition at any time within one year from the passage of an ordinance to that effect, and shall pay into the City Treasury the sum of one hundred (100) dollars for the permit for the construction of said vaults, in lieu of all other payments, and fifty (50) dollars for the publication of this ordinance: *Provided*. That the provisions of the ordinance approved March 31, 1902, requiring four feet of covering shall not apply to this ordinance.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend Section 1, Item 1, of the ordinance approved December 1, 1911, entitled "An Ordinance to make an appropriation to the Department of City Controller, for the year 1912."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 1, Item 1, of the ordinance approved December 1, 1911, entitled "An Ordinance to make an appropriation to the Department of City Controller, for the year 1912," be, and the same is hereby amended as follows: By striking out the words on the sixth and seventh lines, reading, "eight department auditors, one thousand five hundred (1,500) dollars each," and inserting in lieu thereof the following: "One registrar of appropriations, one thousand eight hundred (1,800) dollars; one registrar of contracts, one thousand eight hundred (1,800) dollars; five department auditors, one thousand five hundred (1,500) dollars each; and one miscellaneous clerk, nine hundred (900) dollars; from January 1, 1912."

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the purchase of the property No. 33 East Cheltenham avenue, for fire house purposes.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and directed to examine the title to the property No. 33 East Cheltenham avenue, having a width of 19 feet and a depth of 70 feet 6 $\frac{3}{4}$ inches, and if he approve of the same to cause a conveyance thereof to be made to the City of Philadelphia, for fire house

purposes, the consideration to be fifteen thousand (15,000) dollars, chargeable against Item 62d (loan) in the annual appropriation to the Department of Public Safety (Bureau of City Property).

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit Burk Bros., Inc., to erect a bridge over and across Laurel street (formerly Schleischmanns alley), east of Third street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to Burk Bros., Inc., to erect a bridge over and across Laurel street (formerly Schleischmanns alley), at a point 25 feet east of Third street, for the purpose of connecting their factory with a building now in course of erection, the said bridge to have a clearance of at least 14 feet, and be constructed under the supervision of the Department of Public Works, in accordance with plans to be approved by the said Department, and shall be used exclusively for the conduct of the business of the said Burk Bros. Before exercising any privileges under this ordinance, the said Burk Bros., Inc., shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the construction and maintenance of said bridge, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time and the bridge removed upon the passage of an ordinance of Councils to that effect.

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit the Philadelphia Railways Company, successor to the Southwestern Passenger Railway Company, to lay, maintain and operate turnouts or sidings at Penrose avenue and Sheaf lane into the property of the Keystone Realty Company.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Philadelphia Railways Company, successor to the Southwestern Passenger Railway Company, to lay, maintain and operate two single track turnouts or sidings, together with the necessary poles, wires and apparatus, from their tracks on Penrose avenue, at or near its intersection with Sheaf lane (one being from the north bound track and the other from the south bound track), into property now owned by the Keystone Realty Company. The said turnouts or sidings and other equipment shall be laid and constructed under the direction and to the satisfaction of the Departments of Public Works and Public Safety, and shall be removed at any time upon the passage of an ordinance to that effect without expense to the City of Philadelphia and without any recourse for damages against said City of any kind whatsoever, either property, personal or otherwise: *Provided*, That the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the tenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Department of Public Works to investigate the problem of improved transit facilities throughout the City and suburbs, by means of subways or other approved methods; to make a report and submit recommendations covering the same; to employ the assistance necessary to make the said investigations, report and recommendations, and to make an appropriation for all expenses in connection therewith.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby authorized and directed to investigate the problems of improved transit facilities, with a view of determining advisable means for obtaining rapid, efficient and cheap transit throughout the City and its suburbs, by use of subways or other approved modern methods; to consider fully the question of public and private ownership and the financial and economic aspects of the problem; to prepare a report covering its investigations, and to recommend ways and means whereby convenient and rapid transit, commensurate with the present and future needs of the entire City and its suburbs, within a reasonable number of years, may be secured.

SECT. 2. The Director of the Department of Public Works is hereby authorized to employ such engineers, experts and specialists as may be requisite, and also to appoint such engineers and assistants as may be required for making surveys, investigations, examinations of traffic conditions here and elsewhere, and in the preparation of estimates and recommendations; all expenses for salaries, expert fees, tests, transportation and incidental expenses not otherwise provided for shall be paid out of the appropriation for the work herein authorized.

SECT. 3. The sum of fifty thousand (50,000) dollars is hereby appropriated to the Department of Public Works (Bureau of Surveys): To Item 39, for the work herein authorized.

Approved the thirteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an additional appropriation to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Civil Service Commission, Clerk of Quarter Sessions, Commissioners of Fairmount Park and Sheriff, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of twenty-seven thousand seven hundred and seventy-two (27,772) dollars and eighty-four (84) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Civil Service Commission, Clerk of Quarter Sessions, Commissioners of Fairmount Park and Sheriff, for the year 1912, viz.:

Department of Public Safety (Director's Office): To Item 2, for postage, car fare, etc., one thousand (1,000) dollars; (Bureau of Fire): To Item 15 (new), to pay bill of Westinghouse Machine Co. for new crank case for Engine No. 5, High Pressure Fire Service System, Delaware avenue and Race street, one thousand three hundred and fifty-two (1,352) dollars; (Bureau of City Property): To Item 19, for payment of bills for lighting of military organizations, one hundred (100) dollars; to Item 72, to pay for bands for First, Second and Third Regiments, N. G. P., in parade to commemorate the fourteenth anniversary of the departure to the Spanish-American War, three hundred and seventy-five (375) dollars.

Department of Public Works (Director's Office): To Item 1, to pay for salary of blue printer, at the rate of six hundred (600) dollars per annum, from March 15, four hundred and seventy-five (475) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 53, for farming implements, cattle, etc., five thousand (5,000) dollars, out of which sum six hundred and eighty-eight (688) dollars and seventy-five

(75) cents shall be paid to Director Joseph S. Neff to reimburse him for money advanced by him in the purchase of seeds, fertilizers, etc.

Department of Supplies: To Item 1, so that the salaries of two inspectors shall be at the rate of one thousand two hundred (1,200) dollars each per annum, in lieu of one thousand (1,000) dollars each per annum, from April 1, three hundred (300) dollars.

Department of Mayor: To Item 1½, to pay bills incurred prior to January 1, 1912: American Bank Note Co., printing certificates, City loan, four thousand four hundred and seventy-three (4,473) dollars and seventy-five (75) cents; McCann Brothers Ice Co., ice, twenty-four (24) dollars and forty-six (46) cents; Philadelphia Inquirer, advertising ordinances, thirty-one (31) dollars and forty (40) cents; The Press Company, advertising ordinances, one hundred and fifty (150) dollars and thirty (30) cents; Evening Times, advertising, one hundred and forty-seven (147) dollars; Locust Auto Supply Company, automobile accessories, seventy-five (75) dollars and forty-two (42) cents; American Garage and Machine Shop, repairs, twenty-two (22) dollars and seventy (70) cents; Evening Bulletin, advertising proposals, ninety-four (94) dollars and fifty (50) cents; Public Ledger, advertising proposals, one hundred and thirty-three (133) dollars and fifty (50) cents; Philadelphia Tageblatt, advertising proposals, ninety-nine (99) dollars and sixty (60) cents; Philadelphia Record, advertising proposals, one hundred and twelve (112) dollars and fifty (50) cents; Evening Telegraph, advertising proposals, ninety-three (93) dollars and seventy-five (75) cents; Sunday Dispatch, advertising proposals, thirty-eight (38) dollars; Philadelphia Inquirer, for advertising proposals, one hundred and eleven (111) dollars and seventy-five (75) cents; The Starr Printing Company, for advertising proposals, thirty-three (33) dollars and sixty (60) cents; Philadelphia Democrat, advertising proposals, fifty-one (51) dollars; Press Company, advertising proposals, eighty-nine (89) dollars and sixty (60) cents; Philadelphia Item, advertising proposals, sixty (60) dol-

lars; Evening Times, advertising proposals, sixty-two (62) dollars and ten (10) cents; The North American, advertising proposals, one hundred and seven (107) dollars and twenty-five (25) cents; Phila. Advertising Bureau, advertising proposals, one hundred and forty-one (141) dollars and eighty-two (82) cents; Ridpath, Potter & Co., drill holes, one thousand and thirty-two (1,032) dollars; to pay bills incurred during Comprehensive Plans Exhibit, as follows: Dunlap Printing Co., for printing, two thousand three hundred and seventy (2,370) dollars and ninety-four (94) cents; F. B. Vandegrift & Co., export charge, sixty-four (64) dollars and nineteen (19) cents; Harvard University, for expressage, three (3) dollars and forty-five (45) cents; Remington Typewriter Company, for supplies, three (3) dollars; Appleton & Burrell, for decorating, one hundred and thirty-nine (139) dollars and eighteen (18) cents; Philadelphia Item, advertising proposals, twenty-three (23) dollars and twenty-five (25) cents; Public Ledger, advertising proposals, twenty-seven (27) dollars; Philadelphia Tageblatt, advertising proposals, nineteen (19) dollars and eighty (80) cents; Civic Guild, shipping exhibits, sixteen (16) dollars; total, nine thousand eight hundred and fifty-two (9,852) dollars and eighty-one (81) cents.

Civil Service Commission: To Item 4, for equipment, including purchase of furniture, fittings and library, two thousand (2,000) dollars; to Item 5, for special or extra examiners, monitors, and other temporary employees, four thousand (4,000) dollars.

Clerk of Quarter Sessions: To Item 6, to pay bill of German Daily Gazette, for advertising transfers, one hundred and fifty-six (156) dollars; to pay bill of The Philadelphia Item, for advertising transfers, one hundred and sixty-two (162) dollars and three (3) cents; total, three hundred and eighteen (318) dollars and three (3) cents.

Commissioners of Fairmount Park: To Item 24, to pay for canvas covering for music pavilion at Lemon Hill, one thousand (1,000) dollars.

Sheriff: To Item 4, for preparing and advertising proclamation, one thousand five hundred (1,500) dollars; to Item 5, for printing and posting, etc., five hundred (500) dollars.

Approved the fourteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Board of Recreation to draw, and the City Controller to countersign, warrant against Item 15a (loan) in the appropriation to the Board of Recreation, for extra foundation work for recreation building, Fifty-sixth and Christian streets.

WHEREAS, The Board of Recreation has advised City Councils, that in making excavations for foundation for recreation building being erected at Fifty-sixth and Christian streets an old quarry was encountered, necessitating an extra depth of excavation and refilling with concrete not contemplated in contract, and after approval by architect and resolution of the Board, in accordance with Clause 15 of contract, relating to extra work, the contractor was authorized to proceed with the work; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Board of Recreation be hereby authorized to draw, and the City Controller to countersign, a warrant against Item 15a (loan) in the appropriation to the said Board of Recreation, for the year 1912 (1911), in favor of Edward Fay & Son in the sum of four thousand six hundred and forty-seven (\$4,647) dollars and fifty (50) cents to pay for extra ex-

cavation and concrete work necessary for foundation of recreation building, Fifty-sixth and Christian streets, not included in contract for said building.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To change the character of paving authorized to be laid on Garnet and Opal streets, from Snyder avenue to Jackson street; Moore street, from Twenty-fourth to Twenty-eighth street; Pratt street, from Frankford avenue to Willow street; Venango street, from Tenth to Hutchinson street; and Jackson street, from Twenty-eighth to Twenty-ninth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to change the character of paving authorized by ordinance approved August 1, 1911, to be laid on Garnet and Opal streets, from Snyder avenue to Jackson street, from brick to asphalt; on Moore street, from Twenty-fourth to Twenty-eighth street, authorized by ordinance approved December 1, 1911, from granite blocks to asphalt; on Pratt street, from Frankford avenue to Willow street, authorized by ordinance approved April 6, 1911, from asphalt to vitrified brick; on Venango street, from Tenth to Hutchinson street, authorized by ordinance approved August 1, 1911, from asphalt to granite blocks; and on Jackson street, from Twenty-eighth to Twenty-ninth street, authorized by ordinance approved May 10, 1911, from granite blocks to asphalt.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To amend the ordinance approved April 6, 1911, to authorize the paving of B, Bringhurst, Casimir and other streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved April 6, 1911, to authorize the paving of B, Bringhurst, Casimir, and other streets be, and the same is hereby altered and amended insofar as it relates to the paving of Sixty-third street, from Lansdowne avenue to Lancaster avenue," by striking out the words "Lansdowne avenue" and inserting the words "Jefferson street," so that said ordinance shall read "Sixty-third street, from Jefferson street to Lancaster avenue."

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To purchase a lot of ground in the Forty-sixth Ward for fire house purposes.

WHEREAS, By authority of an ordinance of the Select and Common Councils of the City of Philadelphia approved the twenty-first day of July, 1908, the City purchased an irregular tract of ground at the southwest corner of Fifty-fifth and Pine streets for fire house purposes, and it is desired to purchase an additional tract for the purpose of squaring the above-mentioned lot; now therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be,

and he is hereby authorized and directed to examine the title of All that certain lot or piece of ground situate on the north side of Osage avenue at the distance of sixty-four feet two and five-eighths inches westwardly from the west side of Fifty-fifth street, in the Forty-sixth Ward of the City of Philadelphia; thence extending westward along the west side of Osage avenue ninety-one feet ten and three-fourths inches to a point; thence extending northwardly on a line at right angles to Osage avenue sixty-five feet, more or less, to a point; thence extending south forty-three degrees forty-two minutes forty-eight seconds east one hundred and twelve feet six and three-fourths inches, more or less, to the place of beginning, and if he approves of the same to cause a conveyance of the said property to the City of Philadelphia in fee for fire house purposes. The price to be paid for the same not to exceed the sum of one thousand one hundred (1,100) dollars, to be charged against Item 38 in the annual appropriation to the Department of Public Safety (Bureau of City Property), for the year 1912. The said property to be taken subject to the payment by the City of Philadelphia of all charges for sewer, water pipe, cartway paving, curbing and sidewalk paving now built or laid in front of the above described premises.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To approve a lot situate at the southwesterly corner of Sixty-fifth street and Girard avenue, in the Thirty-fourth Ward of the City of Philadelphia, as a site for one of the branch library buildings to be erected by the Trustees of the Free Library of Philadelphia.

WHEREAS, Alex. Simpson, Jr., has signified his intention of donating to the City of Philadelphia: All that certain lot or piece of ground situate at the southwesterly

corner of Sixty-fifth street and Girard avenue (of the width of sixty feet), in the Thirty-fourth Ward of the City of Philadelphia; containing in front or breadth on said Sixty-fifth street one hundred and fifty feet, and extending of that width in length or depth westerly along the southerly side of Girard avenue (sixty feet wide) one hundred and fifty feet, under and subject to the existing restriction and agreement that no glue, soap or candle factory, skin-dressing establishment, dye house, slaughter house, lamp black factory, bone-boiling establishment or poudrette manufactory shall ever be erected on the real estate and premises whereof the above described lot of ground is part, as a site for one of the thirty branch library buildings to be erected by the Trustees of the Free Library of Philadelphia, under the terms of the gift from Andrew Carnegie, Esq., under the ordinance approved the eleventh day of January, 1904;

AND WHEREAS, The said Trustees of the Free Library of Philadelphia recommend said lot as a suitable site; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the above described lot of ground is hereby approved as a site for one of the said branch library buildings, and the said Alex. Simpson, Jr. (his wife, Ella Trau Simpson, joining in the deed therefor, so as to bar her dower interest therein), is hereby authorized to convey the same to the City of Philadelphia, subject to the existing restriction and agreement above mentioned, and upon the condition that the premises shall be used only as a site for one of the thirty branch library buildings herein referred to, and should such premises at any time hereafter cease to be used for such purpose, then the same shall revert to and become the property of the said Alex. Simpson, Jr., his heirs and assigns, without any conveyance thereof being required. The form of the deed conveying the said property to the City of Philadelphia to be approved by the City Solicitor.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils and Prothonotary, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils and Prothonotary for the year 1912, viz.: Department of Public Works (Bureau of Lighting): From Item 2, for horse keep, etc., four hundred (400) dollars. Mayor: From Item 3, for miscellaneous advertising, etc., one thousand (1,000) dollars; from Item 4, for maintenance of automobile, two thousand (2,000) dollars; from Item 10, for hauling and general expenses, one thousand eight hundred and twelve (1,812) dollars and eighteen (18) cents. Clerks of Councils: From Item 7½ (1910), to pay Manufacturers' Appraisal Company eight thousand five hundred (8,500) dollars; total, thirteen thousand seven hundred and twelve (13,712) dollars and eighteen (18) cents, to the following: Department of Public Safety (Bureau of Police): To Item 24, for the purchase of motor cycles, and maintaining same, five thousand (5,000) dollars. Department of Public Works (Bureau of Lighting): To Item 2½, for the purchase and maintenance of motor cycle, four hundred (400) dollars; (Bureau of Surveys): to Item 39, for the improvement of intersection of Baltimore avenue, Sixtieth street and Wharton street, with fountain, grass plots, trees, sidewalks, etc., one thousand five hundred (1,500) dollars. Department of Supplies (Mayor): To Item 1, for stationery, printing, supplies and automobile supplies, three thousand (3,000) dollars. Mayor: To Item 10, for maintenance of Free Library, etc., to pay bills incurred in October, November and December, 1911, one thousand eight hundred and twelve (1,812) dollars and eighteen

(18) cents. Prothonotary: To Item 5, for incidentals, to purchase books, recording machines, two thousand (2,000) dollars.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit M. Rice & Co. to construct a bridge across Quarry street, to connect No. 1220 Race street with property No. 120 N. Camac street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to M. Rice & Co. to construct a bridge across Quarry street, to connect the second and third floors of property No. 1220 Race street with property No. 120 N. Camac street. The said bridge shall have a clearance of not less than fourteen feet above the curb height, and shall be constructed under the supervision of the Department of Public Works, in accordance with plans to be approved by said Department, and shall be used exclusively in the conduct of the business of the said M. Rice & Co. Before exercising any privileges under this ordinance, the said M. Rice & Co. shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridge, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time and the bridge removed upon the passage of an ordinance to that effect.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Brill, Foulkrod, John, Media, Rockland, Ruscomb and Wittee streets and Monastery avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Brill street, from Leshar to Willow street; Foulkrod street, from Castor Road to the Northeast Boulevard; John street, from Friends' Burial Grounds to Tackawanna street; Media street, from Sixty-second to Sixty-third street; Rockland street, from Fourth to Fifth street; Ruscomb street, from Sixteenth to Eighteenth street; Wittee street, from Tioga to Venango street; Monastery avenue, from Ridge avenue to Martin street.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Beechwood, Calumet, Cherry, Conestoga, Croskey, Cuthbert, Durfor, Fitzgerald, Franklin, Front, Hemberger, Kinsley, Lardner, Ludwig, Nassau, Porter, Twenty-third, Wiota, Wolf and Yewdall streets; Adams, Evergreen, Larchwood, Osage, Paschall, Wynnefield and Wyoming avenues and Mermaid lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Beechwood street, from Jackson street to Passyunk avenue; Calumet street, from Powers to Conrad street; Cherry

street, from Thirty-second to Thirty-third street; Conestoga street, from Thomas avenue to Whitby avenue; Croskey street, from Jackson street to Passyunk avenue; Cuthbert street, from Thirty-second to Thirty-third street; Durfor and Fitzgerald streets, from Front to Second street; Franklin street, from Hunting Park avenue to Lycoming street; Front street, from Porter to Shunk street; Hemberger street, from Jackson street to Passyunk avenue; Kingsley street, from Wissahickon avenue to Ampho street; Lardner street, from Dittman to Jackson street; Ludwig street, from Haverford avenue to Wallace street; Nassau street, from Sixty-first to Sixty-third street; Porter street, from Third to Fifth street; Twenty-third street, from Jackson to Wolf street; Wiota street, from Wallace to Aspen street; Wolf street, from Passyunk avenue to Twenty-third street; Yewdall street, from Thomas avenue to Whitby avenue; Adams avenue, from Wyoming avenue to Arrott street; Evergreen avenue, from Shawnee street to Germantown avenue; Larchwood avenue, from Forty-fifth to Forty-sixth street; Osage avenue, from Fifty-eighth to Fifty-ninth street; Paschall avenue, from Fifty-second to Conestoga street; south side of Wynnefield avenue, from Fifty-fourth to Fifty-sixth street; Wyoming avenue, from Ninth street to York Road; Mermaid lane, from Cherokee to Huron street.

Approved the fifteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of Alden, Blaine, Camac, Catharine, Cecil, Chancellor, Chestnut, Clearfield, Conestoga, Crefeld, Drinker, Edgewood, Felton, Forty-eighth, Fifty-fourth, Fifty-sixth, Fox, Frazier, Front, Hirst, Kingsley, Ludlow, Marvin, McFerran, Millick, Peehin,

Price, Race, Redfield, Ringgold, Robinson, Rockland, Rosehill, Ruscomb, Sansom, Second, Sheldon, Sixty-second, Sixty-fourth, Springer, Spruce, Sydenham, Third, Tibbon, Twelfth, Twentieth, Walnut, Warnock, and Yewdall streets, Hunting Park, Lindley, Osage, Stenton and Willow Grove avenues, and the intersection of Baltimore avenue, Sixtieth and Wharton streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to enter into contracts for grading the following streets to the established grade of the City, with the necessary drains, etc., viz.: Alden street, from Catharine to Christian street; Blaine street, from Twentieth street to Hunting Park avenue; Camac street, from Wyoming avenue to Loudon street; Catharine street, from Sixty-second to Sixty-third street; Cecil street, from Catharine to Christian street; Chancellor street, from Fifty-fourth to Fifty-fifth street, and from Fifty-ninth to Sixtieth street; Chestnut street, from Sixty-second to Sixty-third street; Clearfield street, from Twenty-ninth street to Nicetown lane; Conestoga street, from Thomas avenue to Whitby avenue; Crefeld street (fifty feet wide), from Sunset avenue to Hampton avenue; Drinker street, from Wayne avenue to Lincoln drive; Edgewood street, from Race to Vine street, from Haddington to Jefferson street, and from Baltimore avenue to Wharton street; Felton street, from Jefferson to Haddington street, and from Spruce to Locust street; Forty-eighth street, from Walnut street to Larchwood avenue; Fifty-fourth street, from Larchwood avenue to Cedar avenue; Fifty-sixth street, from Chester avenue to Woodland avenue; Fox street, from Allegheny avenue to the Reading Railroad; Frazier street, from Westminster avenue to Vine street, and from Greenway avenue to Kingessing avenue; Front street, from Wolf to Shunk street; Hirst street, from Spruce to Locust street; Kingsley street, from Manayunk avenue to Pechin street, and from Wissahickon avenue to about eight hundred feet southwest; Ludlow street, from Forty-sixth to Markoe street; Marvine street, from Rockland to Ruscomb street; McFerran street, from Broad to Thir-

teenth street; Millick street, from Baltimore avenue to Wharton street; Pechin street, from Kingsley to Seville street; Price street, from Sprague to Ardleigh street; Race street, from Salford to Sixtieth street; Redfield street, from Haddington to Jefferson street; Ringgold street, from Wharton to Reed street; Robinson street, from Haddington to Jefferson street; Rockland street, from Fifteenth street to Windrim avenue; Rosehill street, from Allegheny avenue to Ontario street; Ruscomb street, from Tenth to Eleventh street; Sansom street, from Fifty-ninth to Sixtieth street, and from Sixty-second to Sixty-third street; Second street, from Ritner to Shunk street; Sheldon street, from Fountain to Hermitage street; Sixty-second street, from Cedar avenue to Washington avenue; Sixty-fourth street, from Lansdowne avenue to Haverford avenue; Springer street, from Wayne avenue to Lincoln drive; Spruce street, from Sixty-second to Sixty-third street; Sydenham street, from Rockland to Loudon street; Third street, from Tabor street to the Philadelphia and Reading Railway; Tibbon street, from Lemont to Fountain street; Twelfth street, from Lindley avenue to Duncannon avenue; Twentieth street, from Stenton avenue to Cheltenham avenue; Walnut street, from Sixty-second to Sixty-third street; Warnock street, from Ruscomb to Rockland street; and Yewdall street, from Thomas avenue to Whitby avenue; Hunting Park avenue, from Pennsylvania Railroad bridge to Allegheny avenue; Lindley avenue, from Windrim avenue to Eleventh street; Osage avenue, from Fifty-eighth to Fifty-ninth street; Stenton avenue, from Washington lane to Cheltenham avenue; Willow Grove avenue, from Germantown avenue to Norwood street; and the intersection of Baltimore avenue, Sixtieth street and Wharton street. The cost of said work to be taken from the item for grading in the appropriation to the Department of Public Works (Bureau of Highways). In all cases where the material required to excavate or fill any legally opened streets within six blocks of the streets herein authorized to be graded can be interchangeably used, the Director of the Department of Public Works shall advertise for and award the

contract so that the same shall be embodied in one and the same contract: *Provided*, That the grading shall be advertised for and the contracts awarded to the lowest responsible bidders.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the sixteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the paving of Addison, Alden, Belmar, Camac, Carpenter, Cayuga, Cecil, Chancellor, Christian, Conestoga, Croyden, Delmar, Eadom, Eddington, Edgewood, Fifty-fourth, Fifty-sixth, Frazier, Front, Markoe, Nassau, Norfolk, Race, Rector, Ruscomb, Salmon, Sansom, Second, Sixty-second, Sixty-third, Sixty-fourth, Spruce, Thirteenth, Tower, Upland, Webster, Wharton, Windsor, Yewdall, Ainslie, Apple, Boyer, Calumet, Cedar, Cresson, Eleventh, Fifty-eighth, Godfrey, Harworth, Kingsley, Lauriston, Marvine, Pechin, Pennsdale, Price, Ringgold, Rockland, Sprague, Sydenham, Twelfth, Harrison and Tibbon streets, Buist, Grays, Greenway, Hunting Park, Larchwood, Malvern, Osage, Torresdale, Washington, Whitby, Wyoming and Lindley avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts with competent pavers for paving the following streets with the best quality of refined natural asphalt, viz.: Addison street, from Fifty-fifth to Fifty-sixth street; Alden street, from Christian to Catharine street; Belmar street, from Fifty-seventh to Fifty-eighth street; Camac street, from Wyoming avenue to Loudon street; Carpenter

street, from Sixty-first to Sixty-second street; Cayuga street, from Fourth to Lawrence street; Cecil street, from Christian to Catharine street; Chancellor street, from Fifty-ninth to Sixtieth street; Christian street, from Sixty-first to Sixty-second street; Conestoga street, from Thomas avenue to Whitby avenue; Croyden street, from Richmond to Edgemont street; Delmar street, from Ridge avenue to Tibbon street; Eadom street, from Scattergood to Kennedy street; Eddington street, from Richmond to Edgemont street; Edgewood street, from Race to Vine street; Fifty-fourth street, from Woodland avenue to Grays avenue; Fifty-sixth street, from Chester avenue to Woodland avenue; Frazier street, from Westminster avenue to Vine street; Front street, from Wolf to Shunk street; Markoe street, from Market to Chestnut street; Nassau street, from Sixty-first to Sixty-third street; Norfolk street, from Fifty-eighth to Fifty-ninth street; Race street, from Salford to Sixtieth street; Rector street, from Ridge avenue to Manayunk avenue; Ruscomb street, from Tenth to Eleventh street; Salmon street, from Eddington street to the Holy Redeemer Cemetery; Sansom street, from Fifty-ninth to Sixtieth street; Second street, from Ritner to Shunk street, and from Tabor to Chew street; Sixty-second street, from Cedar avenue to Catharine street; Sixty-third street, from Grays avenue to Dicks avenue; Sixty-fourth street, from Grays avenue to south side of Buist avenue; Spruce street, from Sixty-second to Sixty-third street; Thirteenth street, from Wingohocking to Loudon street; Tower street, from Jamestown street to Walnut lane; Upland street, from Sixty-sixth to Sixty-eighth street; Webster street, from Fifty-eighth to Fifty-ninth street, and from Sixty-first to Sixty-second street; Wharton street, from Sixtieth to Sixty-first street; Windsor street, from Fifty-seventh to Fifty-eighth street; Yewdall street, from Thomas avenue to Whitby avenue; Buist avenue, from Sixty-second to Sixty-fourth street; Grays avenue, from Fifty-third to Fifty-fourth street; Greenway avenue, from Paxon to Fifty-second street, from Sixtieth to Sixty-first street, and from Sixty-seventh to Sixty-eighth street; Hunting Park avenue, from Sixth to Ninth street, and from Allegheny ave-

nue to about ninety-five feet southwest of Wissahickon avenue; Larchwood avenue, from Forty-fifth to Forty-sixth street; Malvern avenue, from Sixty-third to Gross street; Osage avenue, from Fifty-fifth to Fifty-sixth street, and from Fifty-eighth to Fifty-ninth street; Torresdale avenue, from Vankirk to Margaret street; Washington avenue, from Sixty-first to Sixty-second street; Whitby avenue, from Fifty-fourth street to line of West Chester Railroad; Wyoming avenue, from Twelfth street to York road. The following streets with vitrified fire clay or shale bricks or blocks, viz.: Ainslie street, from Vaux to Conrad street; Apple street, from Walnut lane to Pennsdale street; Boyer street, from Cheltenham avenue to about one hundred and fifty-three feet northwest; Calumet street, from Cresson to Powers street; Cedar street, from Bridge to Brill street; Cresson street, from Midvale avenue to Coulter street; Eleventh street, from Loudon to Rockland street; Fifty-eighth street, from Ashland avenue to Hoffman avenue; Godfrey street, from Stenton avenue to Twenty-first street; Haworth street, from James to Eadom street; Kingsley street, from Manayunk avenue to Pechin street; Lauriston street, from Righter street to about four hundred and fifty feet northeast; Marvine street, from Rockland to Ruscomb street; Pechin street, from Kingsley to Seville street, and from Dupont to Hermitage street; Pennsdale street, from Ridge avenue to Mitchell street; Price street, from Sprague to Ardleigh street; Ringgold street, from Wharton to Reed street; Rockland street, from Windrim avenue to Fifteenth street; Sprague street, from Cheltenham avenue to Price street; Sydenham street, from Rockland to Loudon street; Twelfth street, from Lindley avenue to Duncannon avenue; Lindley avenue, from Windrim avenue to Warnock street; also, Tibbon street, from Lemont to Fountain street, with granite blocks; and Harrison street, from Oxford pike to Horrocks street, with filbertine with vitrified brick gutters. The portion of work to be paid for by the City shall be taken from the item for intersections in the appropriation to the Department of Public Works (Bureau of Highways). The conditions of the contracts shall be that the contractors shall collect

the cost of paving from the owners of property respectively fronting on said streets, and shall enter into an obligation with the City to keep said streets in good repair for five years after the paving is finished: *Provided*, That said streets shall be first dedicated or properly opened, and that the Director of the Department of Public Works shall advertise for proposals for paving said streets and award the contracts to the lowest responsible bidders, and that the owners of property fronting on said streets shall not be charged more than the contract price.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the sixteenth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment of supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating fifty-five thousand eight hundred and forty (55,840) dollars and twenty-four (24) cents, for supplies delivered under contracts between the awarding and the executing of the same and chargeable against certain items, as follows: Department of Supplies (Police): Item 11, David McMullin, Jr., for forage, four hundred and eighty-one (481) dollars and ninety-nine (99) cents; (Correction): Item 17, Frank X. Mathis, Jr., for meats, etc., one thousand six hundred and seventy-nine (1,679) dollars and fifty-three (53) cents; A. Salus & Son, for

poultry, etc., sixty-two (62) dollars and thirty-four (34) cents; Andrew Froesch, for meats, etc., four hundred and seventy-one (471) dollars and forty-eight (48) cents; M. E. Benner, for fish, one hundred and fifty-nine (159) dollars and fifty (50) cents; The Fleischmann Co., for yeast, forty-eight (48) dollars and seventy-five (75) cents; Item 29, Henry J. Rife, for shoe findings, one hundred and thirteen (113) dollars and fifty-six (56) cents; (Fire): Item 35, Smith & Holthaus, for coal, one hundred and thirty-six (136) dollars and fifty-six (56) cents; Robert Henderson & Co., for coal, four hundred and thirty-nine (439) dollars and fifty-six (56) cents; (Electrical): Item 42, Dunlap Printing Co., for printed blanks, etc., one hundred and twenty-five (125) dollars and fifty (50) cents; Item 50, Walker & Kepler, for electrical supplies, two hundred and thirty-five (235) dollars and fifty (50) cents; (City Property): Item 60, McKee & Co., for coal, one thousand eight hundred and ninety-two (1,892) dollars and thirty-three (33) cents; (Health): Item 2, Clean Towel Supply Co., for towel service, thirty-seven (37) dollars and thirty-seven (37) cents; Item 6, Frank X. Mathis, Jr., for meats, etc., one thousand three hundred and twenty-eight (1,328) dollars and eighty-seven (87) cents; Roesch Packing Co., for fish, oysters, etc., eighty-three (83) dollars and eighty-five (85) cents; Philip Hoffman, for butter and eggs, one thousand four hundred and seventy-nine (1,479) dollars and eight (8) cents; Kolbs Bakeries, for bread, five hundred and thirty-eight (538) dollars and eighty-six (86) cents; Wm. H. Root, for milk and cream, six hundred and ninety-six (696) dollars and forty-five (45) cents; Bryer Ice Cream Co., for ice cream, three hundred and twenty-five (325) dollars and sixty-six (66) cents; A. Salus & Son, for poultry, four hundred and fifty (450) dollars and nine (9) cents; Item 8, Edward Connor, for coal, one thousand nine hundred and forty-nine (1,949) dollars and thirteen (13) cents; Item 11, David McMullin, Jr., for hay, sixty-seven (67) dollars and twenty-eight (28) cents; (Charities): Item 14, The Fleischmann Co., for yeast, one hundred and eighty-seven (187) dollars and fifty (50) cents; Item 15, Andrew Frosch, for mackerel, three hundred and twelve

(312) dollars; Chas. B. Herfurth, for fish, oysters, etc., nine hundred and seventeen (917) dollars and five (5) cents; M. Myers Sons, for hams, six hundred and ninety-one (691) dollars and eight (8) cents; Frank A. Maynes, for mutton, one thousand two hundred and seventeen (1,217) dollars and thirty-nine (39) cents; Item 16, Bougher & Bishop, for onions, three hundred and fifteen (315) dollars and twenty-seven (27) cents; John Kienzle, for potatoes, one thousand six hundred and eighty-eight (1,688) dollars and fifty-one (51) cents; A. Salus & Son, for lard, one hundred and eighty-three (183) dollars and thirty-three (33) cents; Philip Hoffman, for butter and eggs, seven thousand three hundred and sixty-three (7,363) dollars and four (4) cents; Item 17, John A. Barry, for milk and cream, five thousand eight hundred and ninety (5,890) dollars and forty-eight (48) cents; Item 20, W. C. Kirk & Co., for coal, two thousand nine hundred and eight (2,908) dollars and three (3) cents; (Water): Item 14, The Bingham Co., for printed envelopes, one hundred (100) dollars; Item 15, Rogers-Corr Coal Co., for coal, ten thousand five hundred and eighteen (10,518) dollars and sixty-six (66) cents; Philadelphia and Reading Coal and Iron Co., for coal, nine thousand five hundred and forty-six (9,546) dollars and fifty-two (52) cents; Item 16, W. W. Hodgson, for linsced oil, one hundred and seventy-seven (177) dollars and eighty-eight (88) cents; Item 19, Cancos Mfg. Co., for packing, three hundred and ninety-one (391) dollars and sixty-three (63) cents; Double Service Packing Co., for packing, one hundred and seventy-one (171) dollars and thirty-six (36) cents; Clement Restein Co., for packing, seventy-four (74) dollars and seventy (70) cents; Item 20, John J. McGrath, for waste, three hundred and eighty-two (382) dollars and fifty-seven (57) cents.

Approved the twenty-second day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To approve the sureties on the official bonds of James Reed, Jr., Assistant Director of the Department of Public Works; Alexander M. Wilson, Assistant Director of the Department of Public Health and Charities; John Meigs, Assistant Director of the Department of Wharves, Docks and Ferries; and Andrew Stephen Murphy, Assistant Director of the Department of Public Safety.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the National Surety Company, of New York, be, and it is hereby approved as the surety on the official bond of James Reed, Jr., Assistant Director of the Department of Public Works, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

That the National Surety Company, of New York, be, and it is hereby approved as the surety on the official bond of Alexander M. Wilson, Assistant Director of the Department of Public Health and Charities, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

That the Title Guaranty and Surety Company, of Scranton, Pa., be, and it is hereby approved as surety on the official bond of John Meigs, Assistant Director of the Department of Wharves, Docks and Ferries, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

That the Maryland Casualty Company, of Baltimore, Md., be, and it is hereby approved as the surety on the official bond of Andrew Stephen Murphy, Assistant Director of the Department of Public Safety, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

Approved the twenty-second day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Delaware avenue, to its full width, from Christian street to Washington avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Delaware avenue, to its full width, from Christian street to Washington avenue, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the twenty-third day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Safety (Bureau of City Property) to sell at public sale the lot or piece of ground situate at the southwest corner of Fifty-fifth street and Osage avenue, in the Forty-sixth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety (Bureau of City Property) be, and he is hereby authorized and directed to offer

at public sale and sell to the highest bidder: All that certain lot or piece of ground, beginning at the intersection of the southwest corner of Fifty-fifth street and Osage avenue, in the Forty-sixth Ward of the City of Philadelphia; thence extending westerly along the southerly side of Osage avenue seven feet seven and seven-eighths inches to a point; thence south forty-three degrees forty-two minutes forty-eight seconds east nine feet four and five-eighths inches to a point in the westerly side of Fifty-fifth street; thence extending northwardly along the westerly side of Fifty-fifth street five feet five inches to the southerly side of Osage avenue and place of beginning.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE .

To authorize the Director of the Department of Public Safety (Bureau of City Property) to sell at public sale the lot or piece of ground, with the buildings and improvements thereon erected, situate at No. 615 Passyunk avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Director of the Department of Public Safety (Bureau of City Property) be, and he is hereby authorized and directed to offer at public sale and to sell to the highest bidder all that certain lot or piece of ground, with the buildings and improvements thereon erected, situate in the Fourth Ward of the City of Philadelphia and described as follows: The premises known as No. 615 Passyunk avenue, situated on the east side of the avenue, containing in breadth 20 feet and in length or depth 75 feet; bounded westward by the said avenue, northward by a messuage and ground now or late of Moses McIlhenny, eastward by ground formerly of William Shippen and

southward by ground now or formerly of Joseph Hallowell: *Provided*, That the said sale, when made, shall be confirmed by these Councils.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City Plan Gladstone, Roseberry, Fallon, Franklin and Sepviva streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Gladstone and Roseberry streets, each of the width of forty feet, from Front to Second street; Fallon street, of the width of forty feet, from Chestnut to Ludlow street; Franklin street, of the width of forty feet, from Hunting Park avenue to Lycoming street; Sepviva street, of the width of fifty feet, from Norris to Berks street: *Provided*, That before said Gladstone, Roseberry, Fallon and Franklin streets shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City from all damages or claims for damages which may arise from placing said streets on the plan and their subsequent opening to the confirmed lines and grades: *And provided*, That before said Sepviva street shall be placed on the plan, satisfactory evidence shall be furnished that said street has been opened for a period of twenty-one years prior to May 3, 1909.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To repeal ordinance approved October 5, 1911, entitled "An Ordinance to strike from the City plan Blabon street, from Roberts avenue to the Richmond Branch of the Philadelphia and Reading Railway."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved October 5, 1911, entitled "An Ordinance to strike from the City plan Blabon street, from Roberts avenue to the Richmond Branch of the Philadelphia and Reading Railway," be and the same is hereby repealed.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, to construct, operate, and maintain four additional tracks and platforms, to relocate existing tracks, and to construct and maintain a new bridge to carry said tracks and platforms, over Broad street north of Glenwood avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, be and is hereby authorized to construct, operate and maintain four (4) additional tracks and platforms, to relocate existing tracks, and to construct and maintain with the same clear headroom, as at present, above the physical grade of the street, a new bridge, for the purpose of carrying the relocated existing tracks and the four (4) additional tracks and platforms hereby authorized over Broad street north of Glenwood avenue, also, to place column foundations and supports or posts

in the center of said Broad street to carry said bridge: *Provided*, That the plans of said bridge be approved by the Director of the Department of Public Works before any work is done under the authority of this ordinance: *And provided further*, That the sum of fifty (50) dollars be first paid into the City Treasury by the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, to cover the cost of publication of this ordinance.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To confer upon the Commissioners of Fairmount Park the care and management of Morris Park, in the Thirty-fourth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the care and management of Morris Park, in the Thirty-fourth Ward, is hereby conferred upon the Commissioners of Fairmount Park, who shall exercise the same powers and authority over said Park as they now have over Fairmount Park.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Trustees of The Jefferson Medical College of Philadelphia to construet iron or steel and concrete bridges over and across Moravian street, west of Tenth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and

is hereby granted to the Trustees of The Jefferson Medical College of Philadelphia to construct two iron or steel and concrete bridges over and across Moravian street, at points west of Tenth street, for the purpose of connecting the hospital building of the said College with the second floor of the College building. The said bridges shall not exceed twenty-five feet in the clear width, respectively, and shall have a clearance of at least fourteen feet above the curb height, and shall be constructed under the supervision of the Department of Public Works, in accordance with plans to be approved by said Department. Before exercising any privilege under this ordinance the said Trustees of The Jefferson Medical College of Philadelphia shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridges, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time, and the bridges shall be removed upon the passage of an ordinance to that effect.

Approved the twenty-seventh day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners, City Treasurer, Clerks of Councils, Coroner, Commissioners of Fairmount Park, City Controller, and the Register of Wills, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and is hereby authorized to make the following transfers

in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners, City Treasurer, Clerks of Councils, Coroner, Commissioners of Fairmount Park, City Controller and Register of Wills, for the year 1912, viz.: Department of Public Safety (Bureau of Police): From Item 1, for salaries, three thousand five hundred (3,500) dollars; (Electrical Bureau): From Item 3, for keep of horse and wagon, four hundred (400) dollars; from Item 10, for laying underground conduits, etc., ten thousand (10,000) dollars; Department of Public Health and Charities (Director's Office): From Item 12, for rental of steamboat, etc., ten thousand (10,000) dollars; City Commissioners: From Item 41, for expenses of primary election, etc., fifteen thousand five hundred (15,500) dollars; City Treasurer: From Item 15, for estimated interest, etc., twenty-five thousand nine hundred and fifty (25,950) dollars; City Controller: From Item 7, for alterations, repairs, etc., fifty thousand (50,000) dollars; Register of Wills: From Item 6, for extensions, alterations, steel cases, etc., twenty-eight thousand (28,000) dollars; Clerks of Councils: From Item 7½ (1910), to pay Manufacturers' Appraisal Company, twelve thousand nine hundred and eight (12,908) dollars; total, one hundred and fifty-six thousand two hundred and fifty-eight (156,258) dollars, to the following: Department of Public Safety (Electrical Bureau): To Item 2, for repairs, hauling, etc., ten thousand (10,000) dollars; (Bureau of Fire): To Item 3½ (new), for repairing and painting fire boat "Edwin S. Stuart," three thousand five hundred (3,500) dollars; Electrical Bureau: To Item 3, for the maintenance of an automobile, four hundred (400) dollars; to Item 9½, for electric lights on Sansom street, between Seventh and Eighth streets, three hundred (300) dollars; Bureau of City Property, to Item 1, so as to provide for superintendent of a bath house in Tacony, from June 1, 1912, at the rate of six hundred (600) dollars per annum, three hundred and fifty (350) dollars, and to provide for two additional attendants for

public toilets in Franklin Square, one at the rate of four hundred and eighty (480) dollars per annum and the other at the rate of three hundred (300) dollars per annum, from June 1st, four hundred and fifty-five (455) dollars; to Item 24, for band maintenance, one hundred and ninety-two (192) dollars; to Item 69, for rental of property, etc., four hundred and fifty (450) dollars; to Item 71 (new), to pay for extensions, alterations, steel cases, office fixtures and electric light fixtures in the offices of the Register of Wills, twenty-eight thousand (28,000) dollars; to Item 72 (new), for alterations, repairs and equipment in the office of City Controller, fifty thousand (50,000) dollars; Department of Public Health and Charities (Bureau of Health): To Item 6½ (new), for the abatement of nuisances caused by stagnant ponds, three thousand (3,000) dollars; to Item 7½ (new), for the purpose of placing the City property at 1725 Wood street in condition for the proper modification of milk, for the use of the Philadelphia Modified Milk Society, five thousand (5,000) dollars; Department of Wharves, Docks and Ferries: To Item 8, for expense of operating City ice boats, etc., three thousand five hundred (3,500) dollars; to Item 31 (new), for the preparation of plans for a new ice boat, ten thousand (10,000) dollars; Department of Supplies (Wharves, Docks and Ferries): To Item 9, for provisions, five hundred (500) dollars; City Controller: To Item 2, for printing annual reports, etc., one thousand (1,000) dollars; to Item 4, for incidentals, etc., five hundred (500) dollars; City Commissioners: To Item 2, to pay jurors, fifteen thousand (15,000) dollars; to Item 4, to pay witness fees, five hundred (500) dollars; to Item 46 (new), for books, book cases carpets, etc., for rooms 427-430, City Hall, occupied by Orphans' Court, two thousand (2,000) dollars; Clerks of Councils: To Item 14 (new), for prizes and other expenses incident to the public horse carnival and exhibition to be held in Fairmount Park in June, 1912, under the auspices of the Road Drivers' Association of Pennsylvania, four thousand (4,000) dollars, said amount to be expended under the supervision of the Committee on Finance: To Item 15

(new), to aid the following organizations of the Army and Navy Union of the United States in Memorial Day Services, Garrison Number 126, Garrison Number 133 and Garrison Number 137, at the rate of one hundred and thirty-seven (137) dollars each, four hundred and eleven (411) dollars; to Item 16 (new), for rental and supervision of a steamboat to be used in giving free daily excursions (except Sundays) for children of the poor, during July and August, ten thousand (10,000) dollars, said amount to be expended under the supervision of the Committee on Finance; Coroner: To Item 8 (new), for oil, coal, ammonia, general supplies and maintenance of the Morgue, one thousand two hundred (1,200) dollars; To Item 9 (new), for the purchase and maintenance of an automobile and the salary of the chauffeur, five thousand (5,000) dollars; Commissioners of Fairmount Park: To Item 29 (new), to reimburse the Catholic Total Abstinence Union for the cost of restoration of the Father Mathew statue, one thousand (1,000) dollars.

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I hereby approve this ordinance excepting the following items:

To Clerks of Councils: To Item 14 (new), for prizes and other expenses incident to the Public Horse Carnival and Exhibition to be held in Fairmount Park, in June, 1912, under the auspices of the Road Drivers' Association of Pennsylvania, four thousand (4,000) dollars; said amount to be expended under the supervision of the Committee on Finance.

To Clerks of Councils: To Item 16 (new), for rental and supervision of steamboat to be used in giving free daily excursions (except Sundays) for children of the poor during July and August, ten thousand (10,000) dollars; said amount to be expended under the supervision of the Committee on Finance.

To Coroner: To Item 9 (new), for the purchase and maintenance of an automobile and the salary of a chauffeur, five thousand (5,000) dollars.

By reason thereof, from the Department of Public Health and Charities (Director's Office): From Item 12, for rental of steamboat, etc., ten thousand (10,000) dollars; also, reducing the amount taken from Item 15 (City Treasurer), for estimated interest, etc., by nine thousand (9,000) dollars.

By reason of the amounts vetoed as hereinabove mentioned, the total amount transferred is also reduced to one hundred and thirty-seven thousand two hundred and fifty-eight (137,258) dollars.

Approved the twenty-eighth day of May, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Benner, Courtland, Division, Edgewood, Felton, Fifty-fourth, Fifty-ninth, Horrocks, Howard, Redfield, Robinson, Rosehill, Sixty-fourth, Strable and Warnock streets, Evergreen and Windrim avenues, and Lincoln Drive.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Benner street, from Walker to Erdrick street; Courtland street, from Fourth to Fifth street; Division street, from Conrad street to about four hundred and ninety-three feet northeast; Edgewood street, from Jefferson to Haddington street; Felton street, from Jefferson to Haddington street; Fifty-fourth street, from Overbrook avenue to Woodbine avenue; Fifty-ninth street, from Jefferson to Haddington street; Horrocks street, from Adams avenue to Unity street; Howard street, from Loudon to Rockland street; Redfield street, from Jefferson to Haddington street; Robinson street, from Jefferson to Haddington street; Rosehill street, from Allegheny avenue to West-

moreland street; Sixty-fourth street, from Elmwood avenue to Buist avenue; Strable street, from Pine road to Rising Sun avenue; Warnock street, from Nedro to Champlost street; Evergreen avenue, from Navahoe to Shawnee street; Windrim avenue, from Lindley avenue to Broad street; Lincoln Drive, from Mt. Pleasant avenue to Allens lane.

Approved the fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

. AN ORDINANCE

Directing the Department of Public Works to require owners of property abutting on both sides of Midvale avenue, from Reading Railroad Bridge to Thirty-fifth street; on the west side of Thirty-fifth street, from Midvale avenue to New Queen street, and on the east side of Thirty-fifth street, from Midvale avenue to Ainslie street, to set curbs and lay foot-way pavements.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby directed to require owners of property abutting on both sides of Midvale avenue, from Reading Railroad Bridge to Thirty-fifth street; on the west side of Thirty-fifth street, from Midvale avenue to New Queen street, and on the east side of Thirty-fifth street, from Midvale avenue to Ainslie street, to set curbs and lay foot-way pavements; and if the said owners of property shall fail to lay such foot-ways and set said curbs, as required, after twenty days' previous notice in writing from the Department of Public Works to do the said work, the said Department is hereby directed to cause said work to be done, the cost thereof to be assessed upon the property of such owners so in default.

Approved the fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant to pay the McNichol Paving and Construction Company for work done in connection with the work of abolishing grade crossings along the Philadelphia, Germantown and Norristown Railroad, between Green street and Wayne Junction.

WHEREAS, The McNichol Paving and Construction Company, after due advertisement, entered into a contract for the grading, paving, repaving and appurtenant work on Allegheny avenue, Westmoreland, Nineteenth, Ontario and all adjacent streets affected by the change of grade, adjacent thereto, known as Contract No. 110, P., G. & N. Elevated, with a contract limit of one hundred and thirty thousand (130,000) dollars;

AND WHEREAS, In the execution of said contract unforeseen conditions were met with, the work amounting to four thousand three hundred and thirty-eight (4,338) dollars and sixty (60) cents was done in excess of the cash limit; therefore

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works is hereby authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the McNichol Paving and Construction Company in the sum of four thousand three hundred and thirty-eight (4,338) dollars and sixty (60) cents for work done in connection with the work of abolishing grade crossings on Contract No. 110, P., G. & N. Elevated, in excess of the cash limit of the contract, payment to be made from Item 27 (loan), in the appropriation to the Department of Public Works (Bureau of Surveys), for the year 1912.

Approved the fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Commissioners of Fairmount Park and City Commissioners, for the year 1912, for the construction of main and branch sewers, the grading and paving of streets and the improvement of water supply in West Philadelphia, out of loan approved May 9, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four million two hundred and twenty-five thousand (4,225,000) dollars authorized to be borrowed by ordinance approved May 9, 1912, be, and the same is hereby appropriated for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Commissioners of Fairmount Park and City Commissioners, for the year 1912, for the construction of main and branch sewers, the grading and paving of streets, and the improvement of the water supply in West Philadelphia, viz.:

Department of Public Safety (Director's Office): To Item 2-E, for postage, carfare, meals, etc., one thousand five hundred (1,500) dollars; to Item 3-E, for maintenance of automobile, one thousand (1,000) dollars. (Bureau of Police): To Item 2-E, for cleaning station, patrol houses, etc., one thousand three hundred (1,300) dollars; to Item 3-E, for miscellaneous expenses of van service, five thousand (5,000) dollars; to Item 4-E, for meals, medical attendance, etc., five thousand (5,000) dollars; to Item 5-E, for drugs, medicines, etc., three hundred (300) dollars; to Item 6-E, for repairs to badges, batons, belts, etc., one hundred (100) dollars; to Item 7-E, for placing street names upon public lamps, etc., five hundred (500) dollars; to Item 8-E, for postage, incidentals, etc., one thousand eight hundred (1,800) dollars; to Item 10-E,

for the detection, arrest and conviction of offenders, etc., three thousand five hundred (3,500) dollars; to Item 12-E, for maintenance, etc., of police boats, one thousand five hundred (1,500) dollars; to Item 14-E, for miscellaneous expenses of patrol wagons, one hundred (100) dollars; to Item 15-E, for horseshoeing, eleven thousand six hundred (11,600) dollars; to Item 16-E, for keep and pasturing of horses, etc., three thousand (3,000) dollars; to Item 17-E, for repairs to harness, etc., two hundred and fifty (250) dollars; to Item 18-E, for repairs to bedding and furniture, etc., five hundred (500) dollars; to Item 20-E, for repairs to bicycles, one hundred (100) dollars; to Item 21-E, for keep of horses, etc., for Fire Marshal, three thousand (3,000) dollars; to Item 22-E, for expenses, etc., for houses quarantined, two hundred (200) dollars; to Item 26-E, for maintenance of automobile police wagons, three thousand (3,000) dollars. (Bureau of Fire): To Item 2-E, for horseshoeing, etc., nine thousand (9,000) dollars; to Item 5-E, for cleaning bunk-rooms, etc., one thousand four hundred and seventy-six (1,476) dollars; to Item 8-E, for alterations and repairs to fire houses, two thousand five hundred (2,500) dollars. (Bureau of City Property): To Item 3-E, for postage, carfare, etc., five hundred (500) dollars; to Item 5-E, for repairs, etc., to Town Hall, Germantown, two hundred and fifty (250) dollars; to Item 8-E, for repairs, etc., to clocks, two hundred and fifty (250) dollars; to Item 10-E, for general repairs, etc., to Independence Hall, five thousand (5,000) dollars; to Item 11-E, for maintenance of recreation piers, five hundred (500) dollars; to Item 12-E, for fees of auctioneers, two hundred and fifty (250) dollars; to Item 16-E, for ground rents and interest, six hundred and sixty-nine (669) dollars and fifty (50) cents; to Item 18-E, for repairs of flags and flagpoles, fifteen hundred (1,500) dollars; to Item 20-E, for repairs to station and patrol houses, five thousand (5,000) dollars; to Item 21-E, for repairs to stoves, etc., two thousand five hundred (2,500) dollars; to Item 22-E, for patent pavements, etc., one thousand (1,000) dollars; to Item 23-E, for gas, etc., three hundred (300) dollars; to Item 25-E, for portraits and other pictures, etc., in Indepen-

dence Hall, five hundred (500) dollars; to Item 26-E, for maintenance of City Hall, etc., ten thousand (10,000) dollars; to Item 27-E, for maintenance of Philadelphia Brigade Park, etc., eight hundred (800) dollars; to Item 31-E, for repairs to iron work of City Hall, etc., five thousand (5,000) dollars; to Item 73-E, for repairs and furnishing of Seventeenth District Police Station, ten thousand (10,000) dollars; to Item 74-E, for alterations and repairs, etc., to Fire Headquarters, or the construction of a new building for same, seventy-five thousand (75,000) dollars. (Electrical Bureau): To Item 2-E, for repairs, hauling, etc., twenty-five thousand (25,000) dollars; to Item 4-E, for postage, carfare, etc., three thousand (3,000) dollars; to Item 5-E, for painting telegraph poles, etc., five hundred (500) dollars; to Item 6-E, for telephone service, etc., four thousand (4,000) dollars; to Item 7-E, for hauling, repairs, etc., forty thousand (40,000) dollars; to Item 8-E, for use of current and labor, etc., three thousand (3,000) dollars; to Item 10-E, for laying underground conduits, twenty thousand (20,000) dollars; to Item 11-E, for rental of telephones, etc., one hundred (100) dollars; to Item 13-E, for the improvement and extension of electrical system, etc., two thousand five hundred (2,500) dollars. (Bureau of Correction): To Item 3-E, for transportation of prisoners, car fare, etc., one hundred (100) dollars; to Item 4-E, for drugs, surgical instruments, etc., five hundred (500) dollars; to Item 5-E, for maintaining and extending gas works, etc., one thousand five hundred (1,500) dollars; to Item 7-E, for repairs to buildings and furniture, five hundred (500) dollars; to Item 12-E, for building bake ovens, dough troughs, proof and cooling racks, two thousand seven hundred (2,700) dollars; to Item 13-E (new), for the extension of gas main from the House of Correction plant via State Road to Torresdale, fifteen thousand (15,000) dollars. (Bureau of Building Inspection): To Item 2-E, for postage, incidentals, etc., one hundred (100) dollars; to Item 3-E, for horse keep, repairs to automobile, etc., four thousand (4,000) dollars. (Bureau of Boiler Inspection): To Item 2-E, for transportation, keep of horses, etc., two hundred

and twenty (220) dollars. (Bureau of Elevator Inspection): To Item 2-E, for postage, transportation, etc., one thousand (1,000) dollars. Total for the Department, two hundred and ninety-eight thousand nine hundred and sixty-five (298,965) dollars and fifty (50) cents.

Department of Public Works (Director's Office): To Item 3-E, for linoleum, rugs, furniture, etc., six hundred (600) dollars; advertising, postage, incidentals, etc., one thousand (1,000) dollars; total, one thousand six hundred (1,600) dollars; to Item 4-E, for maintenance and equipment of automobiles and uniforms for chauffeurs and purchase of new automobiles, four thousand five hundred (4,500) dollars. (Bureau of Highways): To Item 5-E, advertising, one thousand (1,000) dollars; to Item 7-E, for incidentals, etc., one thousand five hundred (1,500) dollars; to Item 11-E, for grading, paving, etc., two thousand (2,000) dollars; to Item 15-E, for setting curved curbing, etc., four thousand (4,000) dollars; to Item 17-E, for repaving around fire plugs, etc., five thousand five hundred (5,500) dollars; to Item 19-E, for maintenance of automobiles, five hundred (500) dollars; to Item 20-E, for repairs to sewers, etc., thirty thousand (30,000) dollars; to Item 21-E, for repairs to bridges, fifty thousand (50,000) dollars; to Item 22-E, for labor in repairs to streets not occupied by railway tracks, seventy-five thousand (75,000) dollars; to Item 23-E, for transportation of employees on repairs to bridges, sewers and streets, five hundred (500) dollars; to Item 25-E, for repairs to paved streets, including granite blocks, etc., fifty thousand (50,000) dollars; to Item 26-E, for the purpose of sprinkling and application of bituminous surface treatment to macadam roads, forty-five thousand (45,000) dollars; to Item 27-E, for repairs to asphalt streets, including resurfacing, five hundred thousand (500,000) dollars; to Item 70-E, for sprinkling streets in central portion of City, five thousand (5,000) dollars; to Item 71-E, for construction of trunks and guard rails, five thousand (5,000) dollars; to Item 72-E, for the purchase of a steam roller, three thousand five hundred (3,500) dollars; to Item 73-E, for installing additional telephone and switchboard in main

office, six hundred and fifty (650) dollars; to Item 74-E, for grading, three hundred and fifty thousand (350,000) dollars, to be subject to future legislation by Councils; to Item 75-E, for paving intersections, etc., one hundred thousand (100,000) dollars. (Bureau of Surveys): To Item 3-E, for cleaning offices, miscellaneous expenses, etc., one thousand (1,000) dollars; to Item 4-E, for rent, postage, horse keep and miscellaneous expenses in the District Surveyor's Office, five thousand six hundred and forty-eight (5,648) dollars and fifty (50) cents; to Item 6½-E, for purchase and maintenance of automobiles and salary of chauffeur, three thousand (3,000) dollars; to Item 10-E, for engraving and printing maps, three hundred (300) dollars; to Item 12-E, for the maintenance of Pennypack Creek Sewage Disposal Plant, three thousand (3,000) dollars; to Item 39-E, for reconstruction of sewers, seventy-five thousand (75,000) dollars, out of which amount the sewers in Forty-third street, from Sansom street to Chestnut street; in Chestnut street, from Forty-third to Forty-second street; in Forty-second street, from Chestnut to Market street; in the north side of Market street, from Forty-second street to Thirty-ninth street; and in the south side of Market street, from Forty-second to Fortieth street, shall be reconstructed; to Item 40-E, for new main sewers, three hundred and twenty-five thousand (325,000) dollars, subject to future legislation by Councils; to Item 41-E, for new branch sewers, three hundred and twenty-five thousand (325,000) dollars, subject to future legislation by Councils. (Bureau of Water): To Item 2-E, for wages, etc., one hundred and twenty-five thousand (125,000) dollars; to Item 3-E, for wages, etc., one hundred and twenty-five thousand (125,000) dollars; to Item 4-E, for wages, etc., fifteen thousand (15,000) dollars; to Item 6-E, for repairs to boilers and machinery, three thousand (3,000) dollars; to Item 9-E, for clerk hire, etc., seven hundred and fifty (750) dollars; to Item 11-E, for advertising, etc., five thousand (5,000) dollars; to Item 12-E, for hauling ashes, etc., seven thousand (7,000) dollars; to Item 13-E, for purchase of materials, etc., two thousand five hundred (2,500) dollars; to Item 14-E, for wages, etc., one hundred and

twenty-five thousand (125,000) dollars; to Item 15-E, for resanding filters, etc., seven thousand (7,000) dollars; to Item 26-E, for reconstruction of one Queen Lane pump, forty thousand (40,000) dollars; to Item 27-E, for replacing boilers condemned at Queen Lane Pumping Station, forty-five thousand (45,000) dollars; to Item 28-E, for the purchase of working uniforms for the employees at the various pumping stations, to be worn while in the performance of their duties, three thousand (3,000) dollars; to Item 29-E, for the purchase of materials, gate, valves, and making connection to the 36-inch main to isolate the filtered and unfiltered water mains at the Roxborough filters, two thousand five hundred (2,500) dollars; to Item 30-E, for the improvement of West Philadelphia water supply, three hundred thousand (300,000) dollars; to Item 31-E, for hypo-chlorite of lime treatment of plants for filter stations, twenty-five thousand (25,000) dollars; total for the Department, two million eight hundred and three thousand nine hundred and forty-eight (2,803,948) dollars and fifty (50) cents.

Department of Public Health and Charities (Director's Office): To Item 2-E, for postage, carfare, etc., one thousand five hundred (1,500) dollars. (Bureau of Health): To Item 2-E, for the pay of cooks, nurses, etc., forty thousand (40,000) dollars; to Item 3-E, for postage, etc., one thousand (1,000) dollars; to Item 5-E, for maintenance and repairs of ambulances, etc., six thousand five hundred (6,500) dollars; to Item 6-E, for the abatement of nuisances, two thousand (2,000) dollars; to Item 8-E, for gas, fuel, etc., five hundred (500) dollars; to Item 11-E, for drugs, etc., one thousand one hundred (1,100) dollars; to Item 20-E, for painting Hospital for Contagious Diseases, two thousand (2,000) dollars. (Bureau of Charities): To Item 8-E, for repairs of harness and automobiles, etc., three thousand (3,000) dollars; to Item 9-E, for postage, carfare, and incidentals, one thousand five hundred (1,500) dollars; to Item 10-E, for general repairs to engine and ice plant, etc., three thousand one hundred and fifty (3,150) dollars; to Item 16-E, for equipment and maintenance of X-ray Laboratory, one thousand five hundred (1,500) dol-

lars; to Item 23-E, for wages of attendants, twenty thousand (20,000) dollars; to Item 31-E, for removing ashes, five hundred (500) dollars; to Item 35-E, for sanitary flooring for Hospital, five hundred (500) dollars; to Item 40-E, for maintenance and equipment of automobile, one thousand (1,000) dollars; to Item 56-E, for care of horses, and wagons for disinfection, three thousand two hundred 3,200 dollars; to Item 57-E, for new boilers and repairs to old boilers, one thousand (1,000) dollars; to Item 58-E, for enlargement and equipment of dining-room for the insane at Byberry, three thousand (3,000) dollars; to Item 59-E, for Westinghouse air-pump and appliance tube cleaners, four hundred (400) dollars; total for the Department, ninety-three thousand three hundred and fifty (93,350) dollars.

Department of Wharves, Docks and Ferries: To Item 3-E, for advertising, etc., five hundred (500) dollars; to Item 6-E, for auctioneers' fees, etc., five hundred (500) dollars; to Item 9-E, for repairs to ice boats, etc., four thousand (4,000) dollars; to Item 13-E, for maintenance of inspection boats "Eunomia" and "Inspector," two thousand (2,000) dollars; total for the Department, seven thousand (7,000) dollars.

Department of Supplies (Director's Office): To Item 1-E, for stationery, etc., two thousand (2,000) dollars; (Mayor): To Item 1-E, for stationery, etc., one thousand (1,000) dollars; to Item 2-E, for printing and binding Mayor's messages, five thousand (5,000) dollars; to Item 4-E, for coal, one thousand (1,000) dollars; for supplies, three thousand (3,000) dollars; total, four thousand (4,000) dollars; to Item 4½-E, for coal, etc., one thousand (1,000) dollars. (Law): To Item 6-E, for stationery, etc., three thousand (3,000) dollars. (Receiver of Taxes): To Item 7-E, for stationery, etc., three thousand five hundred (3,500) dollars. (Health and Charities) (Director's Office): To Item 1-E, for stationery, etc., one thousand (1,000) dollars. (Health): To Item 2-E, for printing, etc., three thousand (3,000) dollars; to Item 5-E, for disinfecting materials, two thousand five hundred (2,500) dollars; to Item 6-E, for groceries, etc., eight thousand

(8,000) dollars; to Item 7-E, for clothing, etc., two thousand (2,000) dollars; to Item 8-E, for fuel, eight thousand (8,000) dollars; to Item 9-E, for horses, one thousand (1,000) dollars; to Item 9½-E, for feed, etc., two thousand (2,000) dollars; to Item 10-E, for materials, etc., for laboratory, five hundred (500) dollars. (Charities): To Item 13-E, for stationery, etc., five hundred (500) dollars; to Item 14-E, for flour, etc., two thousand (2,000) dollars; to Item 15-E, for meats, etc., twenty thousand (20,000) dollars; to Item 16-E, for groceries, etc., fifty thousand (50,000) dollars; to Item 17-E, for milk, etc., eighteen thousand (18,000) dollars; to Item 18-E, for dry goods, etc., five thousand (5,000) dollars; to Item 19-E, for furniture, etc., two thousand (2,000) dollars; to Item 20-E, for fuel, thirty thousand (30,000) dollars; to Item 21-E, for oil, etc., one thousand (1,000) dollars; to Item 22-E, for feed, etc., two thousand five hundred (2,500) dollars; to Item 24-E, for tools, etc., five thousand (5,000) dollars. (Department of Public Safety, Director's Office): To Item 1-E, for stationery, etc., five hundred (500) dollars. (Police): To Item 2-E, for printing, stationery, etc., two thousand five hundred (2,500) dollars; to Item 3-E, for supplies, etc., five hundred (500) dollars; to Item 5-E, for badges, etc., five hundred (500) dollars; to Item 6-E, for fuel, eight thousand (8,000) dollars; to Item 7-E, for miscellaneous supplies, one thousand two hundred (1,200) dollars; to Item 8-E, for general supplies, one thousand (1,000) dollars; to Item 11-E, for straw and feed, twenty-five thousand (25,000) dollars; to Item 12-E, for harness, etc., two thousand (2,000) dollars; to Item 13-E, for bedding, etc., one thousand five hundred (1,500) dollars. (Correction): To Item 16-E, for stationery, etc., five hundred (500) dollars; to Item 17-E, for flour, etc., six thousand seven hundred (6,700) dollars; to Item 18-E, for tobacco, etc., five hundred (500) dollars; to Item 19-E, for clothing, etc., one thousand (1,000) dollars; to Item 21-E, for lumber, etc., five hundred (500) dollars; to Item 23-E, for farming utensils, etc., five hundred (500) dollars; to Item 24-E, for hardware, five hundred (500) dollars; to Item 26-E, for fuel, seven thousand (7,000)

dollars; to Item 27-E, for cement, etc., five hundred (500) dollars; to Item 28-E, for furniture, etc., five hundred (500) dollars; to Item 29-E, for leather, etc., one thousand (1,000) dollars. (Fire): To Item 32-E, for straw and feed, fifteen thousand (15,000) dollars; to Item 33-E, for repairs, etc., two thousand (2,000) dollars; to Item 34-E, for supplies, four thousand (4,000) dollars; to Item 35-E, for fuel, ten thousand (10,000) dollars; to Item 37-E, for horses, five thousand eight hundred and fifty (5,850) dollars; to Item 38-E, for harness, etc., five hundred (500) dollars; to Item 41-E, for bedding, etc., five hundred (500) dollars. (Electrical): To Item 43-E, for general supplies, two thousand (2,000) dollars; to Item 45-E, for acids, etc., one thousand (1,000) dollars; to Item 47-E, for instruments, etc., one thousand (1,000) dollars; to Item 52-E, for coal and wood, one hundred and fifty (150) dollars. (City Property): To Item 61-E, for coal, etc., ten thousand (10,000) dollars; to Item 67-E, for toilet room supplies, etc., five hundred (500) dollars. (Department of Public Works (Director's Office): To Item 1-E, for printing, stationery, etc., one thousand (1,000) dollars. (Highways): To Item 2-E, for printing, etc., one thousand (1,000) dollars; to Item 3-E, for printing, etc., supervisors, one hundred (100) dollars; to Item 4-E, for lumber for sewers and inlets, fifteen thousand (15,000) dollars; to Item 6-E, for lumber, sand, cement, tools and materials, etc., for repairs to streets, twenty thousand (20,000) dollars; to Item 8-E, for oil, coal, etc., one thousand (1,000) dollars. (Bureau of Surveys): To Item 10-E, for stationery, three thousand (3,000) dollars; to Item 11-E, for supplies for District Surveyors, two thousand five hundred (2,500) dollars; to Item 12-E, for plan books, etc., five hundred (500) dollars; to Item 13-E, for coal, etc., five hundred (500) dollars. (Bureau of Water): To Item 14-E, for stationery, two thousand five hundred (2,500) dollars; to Item 15-E, for coal, etc., one hundred and ninety thousand (190,000) dollars; to Item 16-E, for oil, etc., ten thousand (10,000) dollars; to Item 17-E, for iron water pipes, etc., one hundred thousand (100,000) dollars; to Item

18-E, for hardware, etc., fifteen thousand (15,000) dollars; to Item 19-E, for gum goods, seven thousand (7,000) dollars; to Item 20-E, for chandlery, two thousand five hundred (2,500) dollars; to Item 21-E, for wrought iron pipes, etc., two thousand five hundred (2,500) dollars; to Item 22-E, for fire brick, etc., two thousand five hundred (2,500) dollars; to Item 23-E, for brass fittings, etc., two thousand five hundred (2,500) dollars; to Item 24-E, for covering, etc., five hundred (500) dollars; to Item 25-E, for lumber, four thousand five hundred (4,500) dollars; to Item 26-E, for forage, three thousand (3,000) dollars; to Item 27-E, for iron and steel, one thousand (1,000) dollars; to Item 28-E, for cement, etc., two thousand five hundred (2,500) dollars; to Item 29-E, for electrical supplies, one thousand five hundred (1,500) dollars; to Item 30-E, for tapping, etc., five hundred (500) dollars; to Item 31-E, for horses, etc., five hundred (500) dollars; to Item 33-E, for special articles, etc., two thousand (2,000) dollars; to Item 34-E, for lead pipe, etc., two thousand (2,000) dollars. (Department of Wharves, Docks and Ferries, Director's Office): To Item 1-E, for stationery, etc., one thousand (1,000) dollars. (Dredges): To Item 7-E, for fuel, two thousand (2,000) dollars; to Item 10-E, for chandlery, etc., two thousand (2,000) dollars; total for Department, seven hundred thousand (700,000) dollars.

Commissioners of Fairmount Park: To Item 2-E, for incidentals, etc., five hundred (500) dollars; to Item 3-E, for maintenance, etc., twenty-five thousand (25,000) dollars; to Item 5-E, for care of Horticultural Hall, five thousand (5,000) dollars; to Item 6-E, for care of nurseries, etc., five thousand (5,000) dollars; to Item 8-E, for sprinkling drives, etc., five thousand (5,000) dollars; to Item 11-E, for repairs and improving of Memorial Hall, six thousand five hundred (6,500) dollars; to Item 12-E, for improving and macadamizing drives, etc., two thousand five hundred (2,500) dollars; to Item 13-E, for repairs to buildings, erecting shelters, etc., three thousand (3,000) dollars; to Item 16-E, for extension and improvement of water supply, one thousand (1,000) dollars; to

Item 18-E, for the purchase of manure, cutting grass, etc., four thousand (4,000) dollars; to Item 20-E, for the preservation of forest trees, four thousand five hundred (4,500) dollars; to Item 21-E, for the care and maintenance of Burholme Park, four thousand (4,000) dollars; to Item 25-E, for the planting and care of trees of highways (required by Act of Assembly), ten thousand (10,000) dollars; to Item 30-E, for dredging the Schuylkill river, forty thousand (40,000) dollars; to Item 31-E, to further construct the river wall, twenty thousand (20,000) dollars; total for the Department, one hundred and thirty-six thousand (136,000) dollars.

City Commissioners: To Item 2-E, for pay of jurors, sixty-four thousand (64,000) dollars; to Item 4-E, for witness fees, two thousand (2,000) dollars; to Item 12-E, to pay managers towards the House of Refuge, thirty-two thousand (32,000) dollars; to Item 16-E, to pay assessor, etc., forty-seven thousand and twenty-five (47,025) dollars; to Item 17-E, to pay for burial of indigent soldiers, two thousand five hundred (2,500) dollars; to Item 18-E, to pay for printing of assessors' lists, eight thousand five hundred (8,500) dollars; to Item 19-E, for rent of room, etc., two hundred and fifty (250) dollars; to Item 24-E, for extra help, three thousand (3,000) dollars; to Item 26-E, to pay Pennsylvania Society and Women's Pennsylvania Society, two thousand five hundred (2,500) dollars; to Item 27-E, to pay State Hospital for the Insane at Danville, two hundred (200) dollars; to Item 33-E, for maintenance of House of Detention, so as to provide for Psychiatrist and Director of Physic and Mental Examination, at the rate of six hundred (600) dollars per annum, medical examiners for boys at the rate of six hundred (600) dollars per annum, medical examiners for girls at the rate of three hundred (300) dollars per annum and mental examiner and expert in child study at the rate of nine hundred and twenty (920) dollars per annum; total, two thousand four hundred and twenty (2,420) dollars; and for maintenance, five hundred and eighty (580) dollars; total, three thousand (3,000) dollars; to Item 37-E, for clerk hire, etc., so that the salary of the Recorder shall be at the

rate of two thousand two hundred and fifty (2,250) dollars per annum, salary of one clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, salary of a second clerk shall be at the rate of one thousand two hundred (1,200) dollars per annum, so that the salary of attorney shall be at the rate of one thousand (1,000) dollars per annum, and for extra clerk hire, two hundred and ninety-five (295) dollars; total, one thousand two hundred and sixty-one (1,261) dollars; to Item 38-E, for printing, etc., fifteen thousand (15,000) dollars; to Item 39-E, to pay for the maintenance, etc., three thousand (3,000) dollars; to Item 38-E, for filing cases, etc., one thousand five hundred (1,500) dollars; total for Department, one hundred and eighty-five thousand seven hundred and thirty-six (185,736) dollars.

Provided, That all automobiles, the purchase or maintenance of which is provided for in this ordinance, shall have plainly lettered on the doors or sides, the name of the Department and Bureau to which they belong.

Approved the fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of sewers in Almond, Anderson, Apsley, Berks, Brandywine, Bristol, Cantrell, Chestnut, Cherry, Crowson, Daly, Drinker, Durfor, Earp, Edgewood, Fairhill, Felton, Filbert, Fitzgerald, Fox, Front, Forty-eighth, Fiftieth, Fifty-fourth, Fifty-sixth, Fifty-ninth, Garnet, Gerritt, Gillingham, Greene, Hancock, Harmony, Hicks, Hirst, Holly, Kennedy, Locust, Ludlow, Ludwig, Marshall, Montrose, Mower, Ninth, Pechin, Pennsdale, Pierce, Pratt, Redfield, Reese, Ringgold, Ritner, Robinson, Rockland, Rusecomb, Sansom, Second, Sixty-second, Sixty-fourth, Spencer, Springer,

Sydenham, Twelfth, Twenty-sixth, Thirty-second, Thirty-sixth, Tree, Walnut, Watkins and Westmoreland streets, Columbia, Duncannon, Greenway, Lansdowne, Leverington, Lindley, Osage, Passyunk, Ridge, Rising Sun, Somerville, Southampton, Torresdale, Warrington, Washington, Wayne and Wynnefield avenues, Mermaid lane and Walnut lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to enter into contracts for the construction of sewers in Almond street, from Orthodox street to Holy Redeemer Cemetery; Anderson street, from Mount Pleasant avenue to a point about two hundred and ninety-five feet northwest; Apsley street (reconstruct), from Greene street to a point about one hundred and seventy feet southwest; Berks street, from Fifty-fourth to Fifty-seventh street; Brandywine street, from Thirty-second to Thirty-third street; Bristol street, from Third to Fifth street; Cantrell street, from Ninth to Twelfth street; Chestnut street, from Sixty-second to Sixty-third street; Cherry street, from Twenty-second to Twenty-third street, and from Thirty-second to Thirty-third street; Crowson street, from Philellena to Hortter street; Daly street, from Second to Fifth street, from Seventh to Eighth street, and from Ninth to Eleventh street; Drinker street, from Wayne avenue to Lincoln drive; Durfor street, from Front to Second street; Earp street, from Eighth to Ninth street; Edgewood street, from Haddington to Jefferson street; Fairhill street, from Wolf to Tree street; Felton street, from Jefferson to Haddington street, and from Spruce to Locust street; Filbert street, from Thirty-ninth to State street; Fitzgerald street, from Front to Second street; Fox street, from Allegheny avenue to the Philadelphia, Germantown and Norristown Railroad; Front street, from Wolf to Porter street, and from Fairmount avenue to Poplar street; Forty-eighth street, from Walnut street to Larchwood avenue; Fiftieth street, from Spruce to Locust street; Fifty-fourth street, from Larchwood avenue to Cedar avenue; Fifty-fourth street, west side, from Susquehanna avenue to Berks street, west side

only to be assessed; Fifty-sixth street, from Woodland avenue to Chester avenue; Fifty-ninth street, from Jefferson to Haddington street; Garnet street, from Indiana avenue to a point about three hundred and eighty-five feet south; Gerritt street, from Third to Orianna street; Gillingham street, from Penn to Franklin street; Greene street, from Hottter street to Lincoln avenue; Hancock street, from Snyder avenue to Jackson street, and from Mountain to Fernon street; Harmony street, from Fairmount avenue to Aspen street; Hicks street, from Reed to Dickinson street; Hirst street, from Spruce to Locust street; Holly street, from Powelton avenue to Baring street; Kennedy street, from Tacony to James street; Locust street, from Forty-seventh to Forty-eighth street; Ludlow street, from Forty-sixth to Markoe street; Ludwig street, from Haverford to Wallace street; Marshall street, from Dickinson to Tasker street; Montrose street, from Fifteenth to Sixteenth street; Mower street, from Gorgas to Carpenter street; Ninth street, from Wingohocking street to the Boulevard; Peehin street, from Markle to Seville street, and from Leverington avenue to Dupont street; Pennsdale street, from Mitchell street to Ridge avenue; Pierce street, from Fourth to Fifth street; Pratt street, from James to Eadom street; Redfield street, from Jefferson to Haddington street; Reese street, from Wolf to Tree street; Ringgold street, from Wharton to Reed street; Ritner street, from Front to Second street; Robinson street, from Haddington to Jefferson street; Rockland street, from Fifteenth street to Windrim avenue; Ruscomb street, from Eleventh to Twelfth street; Sansom street, from Fifty-ninth to Sixtieth street, and from Sixty-second street to Cobbs Creek Parkway; Second street, from Ritner to Shunk street; Sixty-second street, from Cedar avenue to Catharine street; Sixty-fourth street, from Elmwood avenue to Theodore street; Spenceer street, from Beechwood to Norwood street; Springer street, from Wayne avenue to Lincoln drive; Sydenham street, from Rockland to London street; Twelfth street (reconstruct), from Market to Arch street, from Courtland to London street, and from Lindley avenue to Windrim avenue; Twenty-sixth street, from Master to Stewart street; Thir-

ty-second street, from Spring Garden to Brandywine street; Thirty-sixth street, from Mantua avenue to Aspen street; Tree street, from Second to Sixth street, from Moyamensing avenue to Eighth street, and from Ninth street to a point about one hundred and fifty feet east of Thirteenth street; Walnut street, from Sixty-second street to Cobbs Creek Parkway; Watkins street, from Ninth to Tenth street; Westmoreland street, from Twenty-second to Twenty-third street; Columbia avenue, from Twelfth to Thirteenth street; Duncannon avenue, from Eleventh street to Windrim avenue; Greenway avenue, from Conestoga to Fifty-sixth street; Lansdowne avenue, from Gross to Sixty-sixth street; Leverington avenue, from Fleming to Mitchell street; Lindley avenue, from Windrim avenue to Warnock street; Osage avenue, from Fifty-eighth to Fifty-ninth street; Passyunk avenue, from Twenty-second to Twenty-third street; Ridge avenue, from Roxborough avenue to Jamestown avenue; Rising Sun avenue, from Wyoming avenue to the Boulevard; Somerville avenue, from Broad to Fifteenth street; Southampton avenue, from Germantown avenue to a point about four hundred feet southwest; Torresdale avenue, from Wakeling to Margaret street, and from Bridge to Kennedy street; Warrington avenue, from Fifty-seventh to Fifty-ninth street; Washington avenue, north side, from Front to Third street, north side only to be assessed; Washington avenue, south side, from Second street to Moyamensing avenue, south side only to be assessed; Washington avenue, south side, from Fifth to Randolph street, south side only to be assessed; Washington avenue, both sides, from Ninth to Tenth street, both sides to be assessed; Washington avenue, north side, from Passyunk avenue to Leithgow street, north side only to be assessed; Wayne avenue, from Horter to Arbutus street; Wynciefield avenue, south side, from Fifty-fourth to Fifty-sixth street, south side only to be assessed; Mermaid lane, from Germantown avenue to the east side of Cresheim Valley drive; Walnut lane, from Wissahickon intercepting sewer to Houghton street.

SECT. 2. That the Director of the Department of Public Works shall advertise, according to law, announcing

that bids will be received for the sewers above designated, and he shall allot them to the lowest responsible bidders, and it shall be a condition of the said contract that the contractors shall accept the sums assessed upon and charged to properties lying upon the lines of said sewers in manner and form authorized by existing ordinances, and any excess over and above the said assessment, in addition to that provided for by ordinance, shall be charged to the item for branch sewers in the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, That in all cases where the property on the lines of the sewers herein authorized is assessed at suburban rates the owners of such property shall first file an agreement to pay the regular frontage charges.

SECT. 3. That the Director of the Department of Public Works is authorized to pay for inspections, borings and expenses incidental to the work of constructing branch sewers, from the item for the construction of branch sewers.

Approved the fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Department of Public Works to hire steam rollers and other necessary equipment for the maintenance of unpaved and macadamized roads.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby authorized to hire steam rollers, road scrapers and sprinklers, and such other equipment, at a per diem rate, as may be required from time to time for the maintenance of unpaved and macadamized roads, and to pay for the same out of the annual appropriation and additional appropriations made

to the Department of Public Works (Bureau of Highways) for the maintenance of unpaved and macadamized roads.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twelfth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Amending an ordinance approved the twenty-ninth day of December, 1911, entitled "An Ordinance to make an appropriation to the Department of Public Safety, for the year 1912."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved the twenty-ninth day of December, 1911, entitled "An Ordinance to make an appropriation to the Department of Public Safety, for the year 1912," be, and the same is hereby amended by adding to Item 3, of Section 6 of said ordinance, after the words "wagons and harness," in the second line thereof the words "and transportation of officers and employees of the Bureau in the performance of their duties," so that said item as amended shall read: "For horse keep, and maintenance and repairs to automobiles, wagons and harness and transportation of officers and employees of the Bureau in the performance of their duties."

Approved the thirteenth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Declaring it to be a nuisance and making it unlawful to keep hogs or swine in the City of Philadelphia, except within certain limits; or in any part thereof, excepting in a sanitary manner; and providing penalties for the violation of this ordinance.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it is hereby made unlawful and declared to be a nuisance to keep hogs or swine in any part of the City of Philadelphia except within the limits hereinafter described: *Provided*, That this section shall not apply to hogs or swine kept at any licensed slaughter-house for a period not exceeding five (5) days, for the purpose of being killed for use as food. The limits within which hogs or swine may lawfully be kept in accordance with the provisions of this section shall be as follows:

1. In that portion of the City between Penrose avenue and Thirty-first street, north on Thirty-first street to Maiden lane and on Maiden lane west to the Schuylkill river.

2. In that portion of the City between the Delaware river and a line running from the Back Channel along the east house line of Eighth street north to the south house line of Packer street; thence east along the south house line of Packer street to Fifth street, north on Fifth street to Johnston street, along Johnston street east to Stampers lane, from Stampers lane to Oregon avenue, and from Oregon avenue to the Delaware river.

3. Between the City line at the southern boundary of the City and a line beginning at the intersection of Darby creek and the south house line of Eighty-seventh street; thence along the south house line of Eighty-seventh street to Church creek; thence along Church creek to the south house line of Eighty-first street; thence along the south house line of Eighty-first street to the east house line of Ashwood avenue; thence along the east house line of Ashwood avenue to the south side of Jones lane; thence along

the south side of Jones lane to the east line of Laycock avenue; thence along the east line of Laycock avenue to the south line of Powers lane; thence along the south line of Powers lane to the right-of-way of the Chester Branch of the Philadelphia and Reading Railroad; thence along said right-of-way to the south side of Sixty-seventh street; thence east along the south side of Sixty-seventh street to the west side of the Schuylkill river.

4. Within the limits of the City east of Bath street, south of Bristol street and north of Pacific street, in the Forty-fifth Ward.

5. Within the limits of the Twenty-first, Twenty-second, Thirty-fifth, Forty-first and Forty-second Wards: *Provided*, That in no part of any of the above described territory shall hogs or swine be kept within half a mile of any church, school house or hospital.

SECT. 2. It is hereby made unlawful and declared to be a nuisance to keep hogs or swine in any part of the City of Philadelphia excepting in a sanitary manner and so as not to be prejudicial to the health of the community.

SECT. 3. Any person violating any of the provisions of this ordinance, or committing a nuisance as herein defined, shall be liable to a penalty of twenty-five (25) dollars for each offence, and to an additional penalty of five (5) dollars for each day during which such violation or the continuation of such nuisance may be persisted in after not less than ten (10) days' written notice from the Board of Health to abate the same, to be recovered as fines and penalties of like amount are now by law recoverable.

SECT. 4. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-fourth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Permitting Geo. B. Newton & Co. to erect an iron stairway, connecting their office building with the Chestnut street bridge, on the south side of said bridge, east of Thirtieth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Geo. B. Newton & Co. are hereby permitted to erect and maintain a stairway, to be constructed of iron, to connect their office building on the south side of Chestnut street, east of Thirtieth street, with the approach to the Chestnut street bridge. The said iron stairway to be constructed under a plan to be approved by the Director of the Department of Public Works, and shall not be wider than six feet, and shall be removed at any time by George B. Newton & Co. upon the passage of a resolution or ordinance to that effect, without notice: *Provided*, That the said Geo. B. Newton & Co. shall first pay into the City Treasury the sum of fifty (50) dollars for the printing and publication of this ordinance.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the Department of Public Works to require owners of property abutting on the northwest and southeast sides of Rounfort avenue, Germantown avenue to Boyer street; and on Norwood street, from Mermaid lane to about 225 feet north, to set curbs and lay footway pavements on both sides of the said streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby directed and empowered

to require the owners of property abutting on the northwest and southeast sides of Roumfort avenue, from Germantown avenue to Boyer street; and on Norwood street, from Mermaid lane to about 225 feet north, to set curbs and pave footways on said streets between the points aforesaid; and if the said owners of property shall fail to lay such footways and set such curbs, as required, after twenty days' previous notice, in writing, from the Department of Public Works to do the said work, the said Department is hereby directed to cause said work to be done; the cost thereof to be assessed upon the property of such owners so in default, in front of or along which footways may be laid and curbing set, as provided by law.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance be, and the same are hereby repealed so far as the same affect this ordinance.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades and the relocation of Delaware avenue, from Queen street to Pattison avenue, and the revision of the lines and grades of streets intersecting the same or adjacent thereto.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Delaware avenue and relocate the same, as follows: Beginning at or near Queen street, making Delaware avenue not less than one hundred and fifty (150) feet wide; thence of that width curving southwestwardly into Swanson street, thence southwardly widening Swanson street upon the west side to a width of one hundred and fifty (150) feet to a point at or near Morris street, thence following the present line of Com-

mercial avenue, widening the same to a width of two hundred (200) feet to a point at or near Porter street; thence extending southward along Delaware avenue, widening the same to the width of two hundred and fifty (250) feet to Pattison avenue; also to make such revision of the lines and grades of streets intersected by or adjacent to the said avenue or lying between it and the pierhead line of the Delaware river as may be necessary to complete the plan in accordance with the intent of this ordinance, and to strike from the City plan and vacate such streets now upon the plan within the area revised as may not be deemed necessary for proper development. The said avenue as above described shall be named Delaware avenue.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the re-setting of curb and re-paving a portion of the south side of Harlan street, between Eighteenth and Nineteenth streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Department of Public Works be authorized and directed to have the curb on the south side of Harlan street, between Eighteenth and Nineteenth streets, re-set on the confirmed curb line, and to re-pave so much of said street as may be necessary in connection therewith. The cost of said work to be taken from the item for emergencies in the annual appropriation to the Department of Public Works (Bureau of Highways).

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the Departments of City Treasurer and Public Health and Charities, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Departments of City Treasurer and Public Health and Charities, for the year 1912, viz.: City Treasurer: From Item 16, for Sinking Fund, etc., five thousand (5,000) dollars (being a portion of an excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Education has paid in its proportion of the Sinking Fund charges). To the Department of Public Health and Charities (Director's Office): To Item 13 (new), for the City's proportion of the cost of the Baby Saving Show; and the Director of the said Department is hereby authorized to draw, and the City Controller to countersign, a warrant to the order of E. T. Stotesbury, Treasurer, for that amount.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Public Works to order and pay warrants for extra work to be performed by William A. Mundy in grading the Kensington and Oxford turnpike, from Levick to Knorr street.

WHEREAS, Contract was executed with William A. Mundy, on November 8, 1911, for grading the Kensing-

ton and Oxford turnpike, from Levick to Knorr street, and subsequent to the execution of the contract conditions made necessary a new estimate of quantities, materially reducing the amount of grading;

AND WHEREAS, The price paid for said grading included a large amount of contingent work, for which no extra price was paid, and which amount of contingent work was not reduced by the new estimate; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works is hereby authorized to order this work, and, on completion, is authorized and directed to issue, and the City Controller to countersign, and the City Treasurer to pay, a warrant in favor of the said William A. Mundy in the amount of one thousand one hundred and forty-nine (1,149) dollars and forty-four (44) cents in addition to the amount to be paid under his contract for grading in accordance with the revised estimate; said payment to be made from money now set aside under this contract.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, Clerks of Councils and City Treasurer,

for the year 1912, viz.: Department of Public Safety (Electrical Bureau): From Item 10, for laying underground conduits, etc., four thousand eight hundred (4,800) dollars; City Treasurer: From Item 16, for Sinking Fund, etc. (being a portion of an excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Education has paid in its proportion of the Sinking Fund charges), seventy-eight thousand three hundred and seventy-six (78,376) dollars and nine (9) cents, to the following: Department of Public Safety (Bureau of Police): To Item 24, for purchase of motor cycles, etc., two thousand five hundred (2,500) dollars; (Electrical Bureau): To Item 2, for repairs, etc., four thousand eight hundred (4,800) dollars; to Item 23 (new), to pay Philadelphia Electric Company for installing electric light service in the new Convention Hall, Broad street and Allegheny avenue, and for furnishing the necessary incandescent bulbs for lighting Hall, five thousand four hundred (5,400) dollars; to pay for electric current for lighting Convention Hall, one thousand six hundred (1,600) dollars; total, seven thousand (7,000) dollars. Department of Public Works (Bureau of Highways): To Item 76 (new), for repairing wood block pavement, five thousand (5,000) dollars; (Bureau of Water): To Item 14, for wages, etc., thirty-three thousand (33,000) dollars; and the Director of the Department of Public Works is hereby authorized to draw, and the City Controller to countersign, a warrant in favor of the City Treasurer for such amount as he may have advanced to pay wages chargeable to this item. Supplies (Mayor): To Item 1½ (new), for the purchase of the necessary fire extinguishers and other supplies for the equipment and maintenance of the new temporary Convention Hall, located at the north-east corner of Broad street and Allegheny avenue; two thousand (2,000) dollars. Mayor: To Item 10, for Free Library, etc., for maintenance, etc., of Southwark Branch, two thousand five hundred (2,500) dollars; to Item 11, for Commercial Museums, etc., for overhead water sys-

tem, labor, etc., five thousand (5,000) dollars; to Item 49 (new), for incidental expenses connected with the Sængerfest, ten thousand (10,000) dollars. Clerks of Councils: To Item 2, for printing of Journals, etc., to pay bill of the Dunlap Printing Company for printing the first volume of the Journal and Appendix of Common Council and 112 pages of approved ordinances, four thousand three hundred and seventy-six (4,376) dollars and nine (9) cents; to Item 14 (new), to entertain delegates to the Congress of German Physicians and Surgeons, to be held in September, five thousand (5,000) dollars; and for prizes and other expenses incident to the public horse carnival and exhibition to be held in Fairmount Park, in June, under the auspices of the Road Drivers' Association of Pennsylvania, two thousand (2,000) dollars; total, seven thousand (7,000) dollars; said amounts to be expended under the supervision of the Committee on Finance.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Public Works to draw, and the City Controller to countersign, warrant in favor of A. K. Smith in the sum of one thousand seven hundred and forty-three (1,743) dollars and fifteen (15) cents for cleaning filters at Torresdale Station.

WHEREAS, Due to the extreme turbidity of the Delaware river water previous to February 28th, the filters at Torresdale were required to remove hundreds of tons of mud from the water, and consequently they became clogged, and it was essential, in order to maintain the supply of two hundred million gallons or more per day, to clean and remove the dirty sand at once, and to do so

it was necessary to largely increase the number of workmen and to work twenty-four hours per day. The force was not sufficient to do this, and while new appointments were made each day from the Civil Service list the Bureau of Water was unable, due to the disinclination of the men appointed to do the work required of them, to maintain a sufficient number to man the night shift. The Bureau of Water, therefore, as an emergency measure, arranged with Mr. A. K. Smith to clean filters at night until such times as the Bureau could obtain the requisite force of reliable men to do the work. This has been done, the emergency work did not cost more than if the regular employees of the Bureau had done it, and payment is due Mr. Smith for services rendered; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works is hereby authorized and directed to draw, and the City Controller to countersign, warrant in favor of A. K. Smith in the sum of one thousand seven hundred and forty-three (1,743) dollars and fifteen (15) cents, the same to be paid from Item 14 (Bureau of Water).

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to expend balances of Item 13, Item 14 and Item 23 in the annual appropriation to the Bureau of Highways in any manner to secure the most efficient transportation of the employees of the Bureau of Highways.

WHEREAS, The ordinance to make an appropriation to the Department of Public Works, for the year 1912, approved December 29, 1911, contains the following

items: "Item 13, for carriage hire and keep of horses for Assistant Commissioners, Assistant Superintendent of Bridges, and inspectors in such districts where deemed necessary in the discretion of the Director, four hundred (400) dollars each; for Assistant Commissioner of bridge and Sewer Repairs, six hundred (600) dollars each; for inspectors of repairs to bridges, five hundred (500) dollars each; for general inspector and inspectors of repairs to sewers, two horses, six hundred (600) dollars each; for inspectors of repairs to bridges, five hundred (500) dollars each; total, twenty-nine thousand four hundred (29,400) dollars; Item 14, for car fare for inspectors, seven thousand five hundred and fifty (7,550) dollars: *Provided*, That each inspector not supplied with horse and carriage to be paid at the rate of one hundred and fifty (150) dollars per annum, and the two inspectors of electrical connections, four hundred (400) dollars each; Item 23, for transportation of employees on repairs to bridges, sewers and streets, two thousand (2,000) dollars; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to employ any unexpended balances in the aforesaid items for car fare, horse hire, automobile hire, purchase of motor vehicles, or in any other manner which in his judgment will secure the most efficient transportation of any of the employees of the Bureau of Highways.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the crediting of certain payments made to the City by the Board of Public Education of the proportion due by said Board for the principal and interest of its share of indebtedness to Item 16 of the appropriation to the Department of City Treasurer, for the year 1912, and directing the presentation of this resolution to the Mayor for his approval or disapproval.

WHEREAS, Provision was made both by Councils and the Board of Public Education for the payment of the interest and principal on certain school loans due by the Board of Public Education, the amount for the first and second quarters having already been paid by said Board, thus making unnecessary the amount set aside in the appropriation to the City Treasurer, and in order that this unnecessary appropriation may be used for the current needs of the City;

Resolved, By the Select and Common Councils of the City of Philadelphia, That the City Controller and City Treasurer be authorized to credit to Item 16 in the appropriation to the Department of City Treasurer all amounts paid or to be paid by the Board of Public Education of its proportion of the principal and interest on the outstanding school loans for the year 1912.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twenty-fifth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

 AN ORDINANCE

To strike from the City plan and vacate a portion of Dyott street, between Norris and Richmond streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Department of

Public Works (Board of Surveyors) be authorized and directed to reduce the width of Dyott street, between the south side of Norris street and the west side of Richmond street, to eighty-two feet by striking from the City plan and vacating eighteen feet of the total existing width of Dyott street along the easterly side of said Dyott street, between said streets, and to make the necessary revision of curb lines and grades: *Provided*, That an agreement or bond, satisfactory to the City Solicitor, be first filed by the William Cramp & Sons' Ship and Engine Building Company releasing and indemnifying the City of Philadelphia from all damages by reason of the striking from the plan of the City and the vacating of said portion of Dyott street as aforesaid: *And provided further*, That said William Cramp & Sons' Ship and Engine Building Company, shall reset the curbstone and repave the cartway along the portion of said street so vacated in a satisfactory manner to the Bureau of Highways.

Approved the twenty-sixth day of June, A. D. 1912.

RUDÖLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Schuylkill River East Side Railroad Company to alter the tracks in Schuylkill avenue, between the present line of its railroad on the south and a point forty feet north of Reed street, in the Thirty-sixth Ward, for the purpose of giving increased facilities to the Philadelphia Rubber Works and to the warehouse and manufactories of Michael Ehret, Jr., & Company, and changing the tracks heretofore authorized by ordinance approved respectively on the sixth day of December, 1904, and on the seventh day of June, 1910.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Schuylkill River

East Side Railroad Company be, and it is hereby authorized to change the side track facilities heretofore authorized to be constructed in Schuylkill avenue, between its main line on the south and a point forty feet north of Reed street on the north, for the benefit of the Philadelphia Rubber Works, by ordinance approved December 6, 1904, and for the benefit of the warehouse and manufactories of Michael Ehret, Jr., & Company, by ordinance approved June 7, 1910, by removing from the street about two hundred feet of the track beginning at a point 160 feet south from the south side of Reed street and by substituting therefor a continuation of the track, now constructed from said point about 160 feet south from the south side of Reed street southward 450 feet alongside of the property of the Philadelphia Rubber Works Company, and by constructing a switch from the present track at a point about forty feet north of Reed street, extending that switch southward to the present curve, carrying the present track into the property of the Philadelphia Rubber Works: *Provided*, That such changes shall be made under the supervision of the Department of Public Works (Board of Highway Supervisors), and shall be removed at any time upon the passage of an ordinance or resolution of Councils to that effect without any expense to the City of Philadelphia, and without any recourse for damage against said City, either property, personal or otherwise; that before the Board of Highway Supervisors shall grant the permit to construct the tracks herein authorized, written consent thereto of all the property owners on both sides of Schuylkill avenue south of Reed street, to and including the American Product Company, shall be filed with said board; that nothing herein contained shall be construed to authorize the blocking of the streets with cars: *Provided*, That said company shall pay into the City Treasury the sum of fifty dollars for printing this ordinance.

Approved the twenty-sixth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Pennsylvania Railroad Company to construct, operate and maintain a turnout or siding on the north side of Jefferson street, connecting with siding now on Jefferson street, from a point east of Thirty-first street to a point 50 feet west of the west side of Thirtieth street, in the Twenty-ninth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted the Pennsylvania Railroad Company to construct, operate and maintain a turnout or siding on the north side of Jefferson street, connecting with siding now on Jefferson street, from a point east of Thirty-first street to a point fifty (50) feet west of the west side of Thirtieth street, as shown on plan on file in the Department of Public Works (Bureau of Surveys): *Provided*, That the said turnout or siding shall be laid under the supervision and direction of the Department of Public Works (Board of Highway Supervisors) and shall be removed upon the passage of an ordinance to that effect without any recourse against the City for damages, either property, personal or otherwise: *And provided further*, That the sum of fifty (50) dollars shall first be paid into the City Treasury to pay for the publication of this ordinance.

Approved the twenty-sixth day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Selecting and appropriating a certain tract of ground in the Twenty-third Ward as a park and open public place for the health and enjoyment of the people.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That by virtue and in pur-

suance of the authority vested in them by the fourth section of an Act of Assembly approved May 13, 1857, they do hereby select and appropriate, for park purposes and for the health and enjoyment of the people forever, a certain tract of ground lying in the Twenty-third Ward, placed upon the City plan July 1, 1907, and bounded and described as follows: Beginning at the intersection of the northwest boundary line of the Philadelphia and Trenton Railroad and the southwest side of Wakeling street, at the distance of 175 feet $3\frac{1}{2}$ inches southeastwardly from the southeast side of Worth street; thence extending northwest along the southwest side of Wakeling street 1,895 feet $3\frac{1}{8}$ inches to the southeast side of Jackson street; thence southwestwardly along the southeast side of Jackson street 346 feet 3 inches to a point near the southwest side of Fillmore street; thence extending northwestwardly along the southwestwardly side of Fillmore street 234 feet $1\frac{1}{8}$ inches to the southeast side of Valley street; thence extending southwardly along the southeast side of Valley street 762 feet $5\frac{1}{4}$ inches to the northeastwardly side of Margaret street; thence extending along the northeastwardly side of Margaret street south $8^{\circ} 38' 52''$ east 337 feet $8\frac{3}{8}$ inches to a point at the distance of 127 feet $8\frac{1}{4}$ inches southeastwardly from the southeast side of Ditman street; thence extending northeastwardly at right angles to said Margaret street north $81^{\circ} 21' 8''$ east 75 feet $10\frac{1}{2}$ inches to a point in the original line of the estate of Edwin H. Fitler, deceased; thence extending along said Fitler's line south $28^{\circ} 29' 15''$ east 1,011 feet $4\frac{3}{8}$ inches to a point on the southeast side of Worth street; thence extending along the southeast side of Worth street north $74^{\circ} 10' 54''$ east 164 feet $10\frac{5}{8}$ inches to an angle in Worth street, and thence extending still along the southeastwardly side of said Worth street north $77^{\circ} 26' 53''$ east 4 feet $2\frac{1}{4}$ inches to a point; thence extending by line of the Philadelphia Steel and Iron Company's property south $14^{\circ} 24' 28''$ east 207 feet $\frac{1}{2}$ inch to the northwestwardly boundary line of the Philadelphia and Trenton Railroad; thence extending northeastwardly along the same 548 feet $1\frac{1}{2}$ inches to the southwestwardly side of Wakeling street, the first mentioned point and place of beginning, containing 35 acres more or less.

SECT. 2. The City Solicitor is hereby directed to file in the Court of Quarter Sessions a petition on behalf of the City setting forth the ground herein appropriated, to the end that said Court shall appoint a jury to assess the damages as provided by law.

Approved the twenty-seventh day of June, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, to construct, operate and maintain three additional tracks, and to construct and maintain a new bridge to carry said tracks and existing tracks over Girard avenue, west of the Schuylkill River.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, be, and is hereby authorized to construct, operate and maintain three (3) additional tracks, and to construct and maintain with the same clear headroom of the present bridge above the physical grade of the avenue a new bridge for the purpose of carrying the existing tracks and the three (3) additional tracks hereby authorized, over Girard avenue west of the Schuylkill river, to connect with the three (3) additional proposed tracks of the said railroad, to be constructed over the Schuylkill river in Fairmount Park; also, to place column foundations and supports, or posts, on each sidewalk at the curb line, and in the center of said Girard avenue, to carry said bridge: *Provided*, That the plans of said bridge be approved by the Director of the Department of Public Works before any work is done under the authority of this ordinance:

And provided further, That the sum of fifty (50) dollars be first paid into the City Treasury by the Connecting Railway Company, the Pennsylvania Railroad Company, lessee, to cover the cost of publication of this ordinance.

Approved the twenty-seventh day of June, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Public Works to employ expert landscape architects to advise with the Department in the preparation of plans and specifications for the completion of the improvement of the Plaza, South Broad street and League Island Park, to provide for the supervision of the carrying out of the same, and to provide for the payment of the said experts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized to employ expert landscape architects to advise with the Department in the preparation of plans and specifications for the completion of the improvement of the Plaza, South Broad street and League Island Park. Upon the approval of the said plans and specifications, the Director is further authorized to employ the said expert landscape architects to supervise the carrying out of the said improvements under his direction.

SECT. 2. The compensation of the said expert landscape architects for the services herein provided for shall be paid from such sums as are now available, or may hereafter be appropriated, for the carrying on of said improvements.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, District Attorney, Recorder of Deeds and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, District Attorney, Recorder of Deeds and City Treasurer, for the year 1912, viz.: Department of Public Safety (Bureau of Correction): From Item 11, for rebuilding steel tank, etc., two thousand four hundred and twenty (2,420) dollars. Bureau of Elevator Inspection: From Item 1, for salaries, one hundred and fifty (150) dollars. Department of Public Works (Bureau of Highways): From Item 68, to pay for laying storm water pipe sewer, etc., four hundred (400) dollars. City Treasurer: From Item 16, for sinking fund, etc., one hundred and eighteen thousand five hundred and seventy-eight (118,578) dollars and thirty-five (35) cents (being a portion of the excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Public Education has paid in its proportion of the Sinking Fund charges), to the following:

Department of Public Safety (Bureau of Correction): To Item 11½ (new), for the rebuilding of a steel tank, two thousand four hundred and twenty (2,420) dollars; to Item 13 (new), for new boilers, seven thousand five hundred (7,500) dollars. Bureau of Elevator Inspection: To Item 2, for stationery, postage, etc., one hundred and fifty (150) dollars. Bureau of City Property: To Item 26½, to pay bills of Chas. T. Groswith for removal of ashes, etc., from City Hall, one thousand and twenty-two

(1,022) dollars; for removal of ashes, etc., from public squares, four hundred and eighty-eight (488) dollars, and for removing ice and snow from City Hall court yard and pavements, two hundred and four (204) dollars; total, one thousand seven hundred and fourteen (1,714) dollars.

Department of Public Works (Bureau of Highways): To Item 2½ (new), to pay bill of American Supply Company for installing a filing system and purchase of necessary materials, seven thousand one hundred (7,100) dollars, and to pay bill of Dunlap Printing Company for printing, during 1911, specifications for Bureau of Highways, one thousand five hundred and ninety-four (1,594) dollars and thirty-five (35) cents; total, eight thousand six hundred and ninety-four (8,694) dollars and thirty-five (35) cents; to Item 16, for improving water courses, ten thousand (10,000) dollars; to Item 20, for wages, etc., four hundred (400) dollars; to Item 42, to macadamize Benner street, from Torresdale avenue to Keystone street; Homestead street, from Tacony street to Milner street; and Craig street, from Rhawn street to Welsh street, five thousand five hundred (5,500) dollars; to Item 62, for maintenance of unpaved roads, etc., fifty thousand (50,000) dollars. (Bureau of Surveys): To Item 42, for the reconstruction of a foot bridge on the line of Blabon street, over the Richmond Branch of Philadelphia and Reading Railway, seven thousand (7,000) dollars.

Department of Public Health and Charities (Bureau of Health): To Item 30, for relief of children, etc., five thousand (5,000) dollars.

Department of Supplies (Department of Public Works, Director's Office): To Item 1½ (new), for installing a filing system and purchase of necessary materials, three thousand one hundred and twenty (3,120) dollars.

City Commissioners: To Item 17, toward defraying funeral expenses of Francis Kink, Elias Henry Davis and Charles Yocum, indigent soldiers, one hundred and fifty (150) dollars; to Item 30, for keep of incurables at

Wernersville, ten thousand three hundred (10,300) dollars.

District Attorney: To Item 3, for incidentals and expenses incident to prosecution of cases, etc., five thousand (5,000) dollars.

Recorder of Deeds: To Item 3, for blank books, etc., three thousand (3,000) dollars.

City Treasurer: To Item 2, for postage, meals, etc., one thousand (1,000) dollars; to Item 3, for printing, binding, etc., six hundred (600) dollars.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of certain streets, to be paid for out of the appropriation made from loan approved May 9, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into contracts for grading the following streets, with the necessary drains, etc., viz.: A street, from Allegheny avenue to Westmoreland street; Anderson street, from Philellena street to a point two hundred and forty feet southeast; Berks street, from Fifty-fourth to Fifty-seventh street; Cobbs Creek Parkway, from Market to Locust street; Conestoga street, from Media street to Lansdowne avenue; Catharine street, from Sixty-first to Sixty-second street; Courtland street, from York road to the Boulevard; Coral street, from Ontario to Tioga street; Christian street, from Sixty-second street to Cobbs Creek Parkway; Carpenter street, from Sixty-second street to Cobbs Creek Parkway; Devereaux street, from

Dittman to Walker street; Dyre street, from Castor road to Wakeling street; Eightieth street, from Lyons avenue to Dicks avenue; Fifteenth street, from Fishers lane to Ruscomb street; Fifty-ninth street, from Walnut to Spruce street; Fifty-fifth street, from Thomas avenue to the Philadelphia and West Chester Railroad; Fifty-fourth street, from Thomas avenue to Whitby avenue; Federal street, from Sixtieth street to Baltimore avenue; Frazier street, from Hoffman avenue to Thomas avenue; Fourth street, from Bristol to Cayuga street; Forty-ninth street, from Reno to Brown street; Fifty-ninth street, from Vine to Callowhill street; Graham street, from Vine to Callowhill street; Grays avenue, from Sixty-second to Sixty-third street; Haddington street, from Sixty-first to Sixty-second street; Indiana street, from Twenty-third to Twenty-fourth street; Ithan street, from Hoffman avenue to Thomas avenue; Knorr street, from Cottage to Erdrick street; Ludlow street, from Forty-eighth to Forty-ninth street; Magee street, from Torresdale avenue to Cottage street; Montgomery avenue, from Sedgely avenue to a point two hundred feet east; Marvine street, from Wagner avenue to Clarkson avenue; Mentor street, from York road to Thirteenth street; Media street, from Sixty-second to Sixty-third street; Oxford pike, from Leiper street to the Boulevard; Porter street, from Front to Fifth street; Passyunk avenue, from Eighteenth street to Passyunk bridge; Pike street, from Sixteenth to Seventeenth street; Rodney street, from Vernon street to Mt. Pleasant avenue; Ruscomb street, from Fifteenth to Sixteenth street; Shunk street, from Front to Fifth street; Sansom street, from Forty-sixth to Forty-eighth street; Seventeenth street, from Butler to Pike street; Stenton avenue, from Limekiln pike to Ogontz avenue; Stokley street, from Hunting Park avenue to Roberts avenue; Salford street, from Chester avenue to Kingessing avenue; Tyson street, from Jackson street to Frankford avenue; Twelfth street, from Wingohocking to Loudon street; Vernon road, from Stenton avenue to Cheltenham avenue; Wakeling street, from Castor road to Summerdale street; Wakeling street, from Oxford to Large street;

Webster street, from Sixty-second street to Cobbs Creek Parkway; Washington avenue, from Sixty-second street to Cobbs Creek Parkway; Wynnefield avenue, from Fifty-fourth to Fifty-seventh street; Wagner avenue, from Eleventh street to Olney avenue; Duncannon avenue, from Second to Fifth street; Hunting Park avenue, from a point west of Wissahickon avenue to Allegheny avenue; Fox street, from Allegheny avenue to Abbottsford avenue; Ruscomb street, from Thirteenth street to York road; Mercer street, from Buckius to Lefevre street; together with the streets authorized to be graded by ordinance approved by the Mayor May 16, 1912. The cost of said grading to be taken from Item 74-E out of the appropriation from loan approved May 9, 1912, to the Department of Public Works (Bureau of Highways).

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to repave certain streets adjacent to hospitals.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized and directed to repave certain streets adjacent to hospitals, as follows:

Streets occupied by tracks of the Philadelphia Rapid Transit Company, to be repaved with creosoted wood blocks: Woodland avenue, between Forty-eighth street and Pennsylvania Railroad; Fifth street, between Reed and Dickinson streets; Thirteenth street, between Wolf and Ritner streets; Ninth street, between Spruce and

Pine streets; Tenth street, between Bainbridge and Catharine streets; Wallace street, between Eighteenth and Nineteenth streets; Seventh street, between Locust street and Washington Square; Lombard street, between Fifteenth and Sixteenth streets; Eleventh street, between Arch and Cherry streets; Huntingdon street, between Front and B street; Huntingdon street, between Lawrence and Fifth streets; Twenty-second street, between Norris and Diamond streets; Frankford avenue, between Harrison and Wakeling streets; Allegheny avenue, between Aramingo and Cedar streets; Tenth street, between Jefferson and Oxford streets; Fifth street, between Brown street and Fairmount avenue; Catharine street, between Watts and Broad streets.

Streets occupied by tracks of the Philadelphia Rapid Transit Co. to be repaved with creosoted wood blocks, between rails, and creosoted wood blocks or asphalt adjacent to rails: Fifteenth street, between Mifflin and McKean streets; Race street, between Eighteenth and Nineteenth streets; Spruce street, between Eighth and Ninth streets; Eighth street, between Spruce and Pine streets; Lombard street, between Eighteenth and Nineteenth streets; Twenty-second street, between Chancellor and Locust streets; Eighteenth street, between Vine and Summer streets; Spruce street, between Fifth and Sixth streets; Fifteenth street, between Race and Vine streets; Eighteenth street, between Cherry and Race streets; Seventeenth street, between Cherry and Race streets; Franklin street, between Girard avenue and Thompson street; South College avenue, between Corinthian avenue and Twenty-second street; Frankford avenue, between Palmer and Dyre streets; Seventeenth street, between Summer and Vine streets; Pine street, between Second and Third streets; Thirty-third street, between Race street and Powelton avenue; Vine street, between Eighteenth and Bouvier streets; Spruce street, between Seventh and Eighth streets; Christian street, between Tenth and Delhi streets; Seventeenth street, between Fitzwater and Bainbridge streets; Girard avenue, between Sixteenth and Seventeenth streets.

Streets to be repaved with creosoted wood blocks: Forty-eighth street, between Woodland avenue and Grays Ferry road; Ritner street, between Thirteenth and Broad streets; Hamilton street, between Twentieth and Twenty-first streets; Hamilton street, between Eighteenth and Nineteenth streets; Cherry street, between Eleventh street and Philadelphia and Reading Railway; Mascher street, between Fontaine and Diamond streets; Ridge avenue, between Jamestown avenue and Rector street.

Streets occupied by street railway tracks to be paved with asphalt and with creosoted wood blocks or asphalt adjacent to rails: Grays Ferry road, between Paschall avenue and Forty-eighth street; Thirty-third street, between Lancaster avenue and Arch street; Lehigh avenue, between Front and B streets; Front street, between Huntingdon street and Lehigh avenue; Germantown avenue, between Chestnut Hill and Sunset avenues.

Streets occupied by tracks of Philadelphia Rapid Transit Co. to be repaved with asphalt between the rails and with creosoted wood blocks or asphalt adjacent to rails: Spruce street, between Thirty-fourth street and Woodland avenue; Lancaster avenue, between Thirty-third and Cuthbert streets.

Granite blocks adjacent to rails to be replaced by asphalt or creosoted wood blocks on the following streets occupied by railways: Tenth street, between Sansom and Walnut streets; Sansom street, between Tenth and Eleventh streets; Fifteenth street, between Race and Vine streets.

Streets to be repaved with asphalt: Lawrence street, between Huntingdon street and Lehigh avenue; Franklin street, between Dyer and Wakeling streets; Fifty-fourth street, between Girard avenue and Thompson street; Thompson street, between Franklin and Eighth streets.

The cost of said repaving to be paid out of appropriate items in the Bureau of Highways, except that the cost of repaving with wood blocks on streets occupied by street railways shall be paid out of Item 56-D in the loan of June 19, 1911, repaving streets with wood blocks.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit Valentine H. Smith & Co. to construct a bridge over and a tunnel under Philip street, south of Green street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and the same is hereby granted to Valentine H. Smith & Co. to construct a bridge over and across Philip street, south of Green street, to connect their properties on either side of said Philip street. The said bridge shall have a clearance of not less than thirteen feet above the curb height, and be constructed of iron frame, cement floors and copper sheathing. Also, to lay a tunnel under and across said Philip street, south of Green street, the said tunnel not to exceed five feet in width and have a clearance of at least two feet six inches between the top thereof and the street level. The said work to be done under the supervision of the Departments of Public Works and Public Safety, in accordance with plans to be approved by said Departments, and shall be used exclusively in the conduct of the said business of Valentine H. Smith & Co. Before exercising any privileges under this ordinance, the said Valentine H. Smith & Co. shall first enter into an agreement with a bond in the sum of one thousand (1,000) dollars, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridge and tunnel, and shall pay into the City Treasury

the sum of fifty (50) dollars for the publication of this ordinance. The privilege hereby granted shall be revocable at any time and the bridge removed upon the passage of an ordinance to that effect.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of the following main sewers: Adams avenue, Cobbs Creek intercepting sewers, Cottman street, Fifty-seventh street, Frankford intercepting sewer extension in Valley street, Gunners Run Relief in Indiana street, Hartwell lane, Lincoln avenue, Rittenhouse street, Rock Run sewer in Fisher avenue, Seventieth street, Shunk street and Wissahickon High Level cut-off in Stokley street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to enter into contracts for the construction of the following main sewers: Adams avenue, from Wyoming avenue to Ramona street; Cobbs creek intercepting sewer extension in Cobbs Creek Park, from the present terminus at Baltimore avenue to Spruce street; Cobbs creek intercepting sewer extension in Cobbs Creek Park, from about 300 feet north of Market street northwardly to Sixty-ninth street; Cottman street, from State road to Tulip street, in Tulip street from Cottman street to Bleigh street, and in Bleigh street, from Tulip street to Torresdale avenue; Fifty-seventh street, from the present sewer about one hundred and sixty (160) feet south of Lebanon avenue to the present sewer about 20 feet north of Lebanon avenue, and from the north line of Susquehanna avenue south to the present sewer; Frankford in-

tercepting sewer extension in Valley street, from Margaret street to Harrison street; Gunners Run Relief extension in Indiana street, from present terminus at Muter street to Fourth street; Hartwell lane, from the present terminus southwest of Huron street to St. Martins lane; Lincoln avenue, from present terminus at Navajo street to Hartwell lane; Rittenhouse street, from Wissahickon drive to Oros street; Rock Run sewer in Fisher avenue from eighty-nine (89) feet east of Sixth street to one hundred and thirty-nine (139) feet east of Sixth street; Seventieth street, from Cobbs creek to Kingessing avenue, in Kingessing avenue from Seventieth street to Sixty-ninth street, and in Sixty-ninth street, from Kingessing avenue to Upland street; Shunk street, from Fifth to Broad street; Wissahickon High Level cut-off intercepting sewer extension in Stokley street, from present terminus northwest of Crawford street to and under private property on former line of Stokley street to Bowman street.

SECT. 2. The Director of the Department of Public Works shall advertise for proposals and award contracts in accordance with existing laws and ordinances and plans and specifications prepared by the Department of Public Works. Any excess over assessment of property for the construction of said sewers shall be charged to Item 40-E (loan) for the construction of main sewers, in the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, No such assessment shall be charged for the sewers authorized by this ordinance where the same are built upon undedicated streets, and where the properties are not assessed at full City rates, but no permit shall be issued for the drainage of properties on the line of said sewers until the regular frontage charges shall have been paid. And the following sums are hereby set aside for the construction of main sewers herein authorized: Adams avenue, from Wyoming avenue to Ramona street, twenty-five thousand (25,000) dollars; Cobbs creek intercepting sewer extension in Cobbs Creek Park, from the present terminus at Baltimore avenue to Spruce street, forty thousand (40,000) dollars; Cobbs creek intercepting sewer extension in Cobbs Creek Park,

from about three hundred (300) feet north of Market street northwestwardly to Sixty-ninth street, thirty-five thousand (\$35,000) dollars; Cottman street, from State road to Tulip street, in Tulip street, from Cottman street to Bleigh street and in Bleigh street, from Tulip street to Torresdale avenue, twenty-five thousand (\$25,000) dollars; Fifty-seventh street, from the present sewer about one hundred and sixty (160) feet south of Lebanon avenue to the present sewer about twenty (20) feet north of Lebanon avenue, and from the north line of Susquehanna avenue south to the present sewer, ten thousand (\$10,000) dollars; Frankford intercepting sewer extension in Valley street, from Margaret street to Harrison street, twelve thousand (\$12,000) dollars; Gunners Run Relief extension in Indiana street, from present terminus at Mutter street to Fourth street, forty thousand (\$40,000) dollars; Hartwell lane, from the present terminus southwest of Huron street to St. Martins lane, twenty thousand (\$20,000) dollars; Lincoln avenue, from present terminus at Navajo street to Hartwell lane, fifteen thousand (\$15,000) dollars; Rittenhouse street, from Wissahickon drive to Oros street, twenty thousand (\$20,000) dollars; Rock Run sewer in Fisher avenue, from eighty-nine (89) feet east of Sixth street to one hundred and thirty-nine (139) feet east of Sixth street, three thousand (\$3,000) dollars; Seventieth street, from Cobbs Creek to Kingsessing avenue, in Kingsessing avenue, from Seventieth street to Sixty-ninth street, and in Sixty-ninth street, from Kingsessing avenue to Upland street, fifteen thousand (\$15,000) dollars; Shunk street, from Fifth street to Broad street, forty thousand (\$40,000) dollars; Wissahickon High Level cut-off intercepting sewer extension in Stokley street, from present terminus northwest of Crawford street to and under private property on former line of Stokley street to Bowman street, twenty-five thousand (\$25,000) dollars.

Provided, That in the event of any of the aforesaid sewers costing less than the sum set aside for its construction, the Director of the Department of Public Works is hereby authorized at his discretion to use any balance of

the foregoing amounts, or any part thereof, for the completion of any of the main sewers herein named for which the sums set aside are insufficient: *Provided, also*, That the Director of the Department of Public Works is authorized to appoint assistants and inspectors as may be requisite, and pay all expenses for salaries, inspection, borings, transportation and expenses incidental to the work, from the aforesaid item.

SECT. 3. That the Mayor is hereby authorized to enter security on behalf of the City of Philadelphia, for the payment of any damages by reason of the construction of any of the herein authorized sewers through private property, except in the case of the Stokley street sewer.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of certain sewers, to be paid for out of the appropriation made from loan approved May 9, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into contracts for the construction of the following sewers, viz.: Alden street, from Webster to Catharine street; Allegheny avenue, from Twenty-ninth to Thirty-third street, and from Thirty-third to Thirty-fifth street; Allman street, from Sixtieth to Edgewood street, and in Edgewood street, from Allman street to Kingessing avenue; Almond street, from Ontario to Tioga street; Arbutus street, from Wayne avenue to Lincoln avenue; Ardleigh street, from Gorgas street to a point about 436 feet south of Philellena street; Auburn street, from Thompson to Salmon street; Belgrade street,

from Westmoreland to Tioga street; Birch street, from Salmon to Edgemont street; Broomall street, from Fifty-sixth to Fifty-seventh street; Cambria street, from Twenty-fifth to Twenty-ninth street; Canaë street, from Wyoming avenue to Loudon street, and from Windrim avenue to Lindley avenue; Cantrell street, from Third to Fourth street; Carpenter street, from Sixty-second street to Cobbs Creek Parkway; Catharine street, from Sixty-second street west to summit; Christian street, from Sixty-second street to Cobbs Creek Parkway; Cecil street, from Webster to Catharine street; Clover street, from Twelfth to Thirteenth street; Cottage street, from Decatur to Hartel street; Coral street, from Tioga street south about 75 feet to present sewer; Cobbs Creek Parkway, from Market to Walnut street, and from Christian to Sixty-second street; Delancey street, from Fifty-ninth to Sixtieth street; Devercaux street, from Dittman to Glenlock street; Dittman street, from Magee to Unruh street; Eadom street, from Bridge to Kennedy street; Edgemont street, from Westmoreland to Ontario street; Edgewood street, from Baltimore avenue to Wharton street; Edmund street, from Wakeling to Bridge street; Eighth street, from Moore to Morris street; Eleventh street, from Loudon to Rockland street; Elliott street, from Fifty-sixth to Fifty-seventh street; Elmwood avenue, from Fifty-eighth to Sixtieth street; Factory street, from end of sewer east of Adams avenue eastward about 150 feet; Fifteenth street, from Windrim avenue to Fishers lane; Fifty-fourth street, from Wynnefield avenue to Overbrook avenue, and from Wynnefield avenue to Berks street; Fifty-sixth street, from Wynnefield avenue to Lebanon avenue; Fifty-seventh street, from Market to Ludlow street, and from Lansdowne avenue to Stewart street; Fifty-ninth street, from Vine to Callowhill street; Forty-seventh street, from Locust to Walnut street; Frazier street, from Thomas avenue to Hoffman avenue; Gaul street, from Lefevre to Buckius street; Gerhard street, from Ridge avenue to Mitchell street; Grays avenue, from Sixty-second to Sixty-third street; Greenway avenue, from Conestoga to Frazier street; Haddington street, from Sixty-second to Felton street; Hancock street, from Queen to Christian street;

Harrison street, from Large to Horrocks street; Hoffman avenue and Cobbs Creek Parkway, from Cobbs Creek to Fifty-seventh street; Holmesburg avenue, from Cottage to Mill street, in Mill street, from Holmesburg avenue to Welsh street, and in Welsh street, from Mill street to Frankford avenue; Hope street, from York street to about 60 feet southwest; Higbee street, from Torresdale avenue to Walker street; Hunting Park avenue, from Allegheny avenue to Wissahickon avenue; Ithan street, from Thomas avenue to Hoffman avenue; Jefferson street, from Sixtieth to Sixty-first street; Large street, from Fillmore to Harrison street; Lebanon avenue, from Fifty-fourth to Fifty-seventh street; Leiper street, from Ruan to Church street; Livingston street, from Westmoreland to Tioga street; Locust avenue, from Stokes street to McMahon avenue; Ludlow street, from Forty-eighth to Forty-ninth street; Mannheim street, from Morris street southward to summit; Media street, from Sixty-third to Sixty-fourth street; Medary street, from Twentieth street to Ogontz avenue; Medina street, from Seventh to Eighth street; Mentor street, from York road to Thirteenth street; Melvale street, from Ann to Elkhart street; Mercer street, from Westmoreland to Schiller street; Mildred street, from Snyder avenue to McKean street; Miller street, from Leffevre to Buckius street; Millick street, from Baltimore avenue to Wharton street; Morris street, from Eighth to Ninth street; N street, from Sedgley avenue to Glenwood avenue; Ninth street, from Hunting Park avenue to Luzerne street, and from Hunting Park avenue to summit about 225 feet north of Bristol street; Nineteenth street, from Federal to Catharine street; through Park property, from Wissahickon creek to the intersection of Johnson street and Park Line drive; Reese street, from Reed to Wharton street; Ridge avenue, from Ferry road to Indian Queen lane; Rusecomb street, from York road to Thirteenth street; Sansom street, from Forty-seventh to Forty-eighth street, and from Forty-eighth to Forty-ninth street; Schnyler street, from Queen to Hansberry street; Sedgley avenue, from Seventh to Ninth street; Shedwick street, from Allegheny avenue to Clearfield street; Sixtieth street, from Haddington to Jefferson street; Sixty-

first street, from Jefferson to Oxford street, and in Nassau street, from Sixty-first to Sixty-third street; Sixty-second street, from Cedar avenue to Catharine street; Silverwood street, from Fountain to Gates street; Susquehanna avenue, from Fifty-fourth to Fifty-seventh street; Swanson street, from Fitzwater to Catharine street, and from Beck to Queen street; Thirteenth street, from Wingohocking to London street, and from Wagner avenue to Fishers avenue; Thompson street, from Schiller to Tioga street; Tilton street, from Somerset street northeast to dead end, and from Westmoreland to Schiller street; Titan street, from Twenty-second to Twenty-third street; Twelfth street, from Courtland to Wingohocking street; Twentieth street, from Pacific street to Erie avenue; Twenty-fourth street, from Cambria to Indiana street; Twenty-sixth street, from Cambria to Indiana street; Webb street, from Lchigh avenue to Philadelphia and Reading Railway; Webster street, from Sixty-second street to Cobbs Creek Parkway; Wharton street, from Baltimore avenue to Sixtieth street; Whitby avenue, from Fifty-fourth street to West Chester and Philadelphia Railroad; Wingohocking street, from Third to Lawrence street, and from Old York road to the Boulevard; Winton street, from Eighth to Ninth street, and from Tenth to Eleventh street; Woodbine avenue, from Wynnefield avenue to Fifty-sixth street; Woodstock street, from Cora street to Medary avenue; Worth street, from Margaret to Pratt street; Washington avenue, from Sixty-second street to Cobbs Creek Parkway; Wynnefield avenue (south side), from Fifty-fourth to Fifty-sixth street; Wyoming avenue, from Ninth street to York road; York road, from Luzerne to Butler street, and from Wingohocking to London street, together with the sewers authorized by ordinance approved by the Mayor, June 4, 1912. The cost of the said work chargeable to the City to be taken from Item 41-E out of the appropriation from loan, approved May 9, 1912, to the Department of Public Works (Bureau of Surveys).

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of new bridges on the line of City avenue, Glenwood avenue, Sixty-fifth street, Seventy-second street, Montgomery street, Sixty-sixth avenue north, Chester avenue, Westmoreland street and Lindley avenue, and work appurtenant thereto, providing for carrying into effect such authority, and authorizing the Mayor to enter security for damages to private property.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized to enter into contracts for the construction of new bridges, including the work appurtenant thereto, as follows: On the line of City avenue over Indian run west of Sixty-sixth street: *Provided*, That Montgomery County shall pay one-half the cost; on the line of Glenwood avenue over the Philadelphia, Germantown and Norristown Branch of the Philadelphia and Reading Railway; on the line of Sixty-fifth street, over the Philadelphia, Baltimore and Washington Railroad: *Provided*, That the Philadelphia, Baltimore and Washington Railway Company shall join in contract with the City and agree to pay one-half the cost of constructing said bridge and appurtenances; on the line of Seventy-second street over the Philadelphia, Baltimore and Washington Railroad: *Provided*, That the Philadelphia, Baltimore and Washington Railway Company shall join in contract with the City and agree to pay one-half the cost of constructing the said bridge and its appurtenances; on the line of Montgomery street over the Connecting Railway; on the line of Sixty-sixth avenue north over the North Pennsylvania Railroad; on the line of Chester avenue over the Philadelphia and Baltimore Central Railroad; a foot-bridge on the line of Westmoreland street over the North Pennsylvania Railroad; and on the line of Lindley avenue under the North Pennsylvania Railroad.

SECT. 2. That the following sums of money be and are hereby set aside in Item 35-D, and Item 26, in the appropriation to the Department of Public Works (Bureau of Surveys), for new bridges, for the year 1912: City avenue over Indian run, ten thousand (10,000) dollars; Glenwood avenue over the Philadelphia, Germantown and Norristown Railroad, sixteen thousand (16,000) dollars; Sixty-fifth street over the Philadelphia, Baltimore and Washington Railroad, twenty thousand (20,000) dollars; Seventy-second street over the Philadelphia, Baltimore and Washington Railroad, twenty thousand (20,000) dollars; Montgomery street over the Connecting Railway, forty-five thousand (45,000) dollars; Sixty-sixth avenue north over the North Pennsylvania Railroad, twenty-six thousand (26,000) dollars; Chester avenue over the Philadelphia and Baltimore Central Railroad, thirty-eight thousand (38,000) dollars; Westmoreland street over the North Pennsylvania Railroad, four thousand (4,000) dollars; Lindley avenue under the North Pennsylvania Railroad, thirty-five thousand (35,000) dollars: *Provided*, That in the event of any of the said bridges costing less than the sum herein set aside for their construction, the Director of the Department of Public Works is hereby authorized, at his discretion, to use the balances or any part thereof for the completion of any of the bridges named herein for which the sum set aside is insufficient.

SECT. 3. That the Director of the Department of Public Works be, and is hereby authorized and directed to advertise for proposals, and to award contracts, as provided by existing ordinances and laws, for the construction of the said bridges and the work appurtenant thereto, in accordance with plans and specifications to be prepared by the Department of Public Works (Bureau of Surveys), and is also authorized to appoint assistants and inspectors as may be requisite, and to pay all expenses for salaries, soundings, inspection, tests, transportation and incidental expenses not otherwise provided for out of the appropriation for the cost of said bridges, and is also authorized to join in contract with any person or corporation in the construction of any of the said bridges for which said

person or corporation shall contribute a portion of the cost.

SECT. 4. That the Director of the Department of Public Works be, and is hereby authorized and directed to notify the owners of property over and through which the following streets will pass, that at the expiration of three months from the date of said notice, said streets will be required for public use to their full width, as now upon the City plan: Sixty-fifth street, from the Philadelphia, Baltimore and Washington Railroad to Grays avenue; and Seventy-second street, from the Philadelphia, Baltimore and Washington Railroad to Paschall avenue.

SECT. 5. That the Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said streets, or the construction of said bridges and the work appurtenant thereto. Upon the filing of the said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open the streets herein authorized to be opened.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To change the location of electric lights in the Twenty-first and Thirty-first Wards.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Safety (Electrical Bureau) be, and is hereby authorized and directed to change the location of the following electric lights in the Twenty-first and Thirty-first Wards: From Gay street, above Baker street, to corner of Gay and Baker streets; from 2158-2160 East Boston

avenue to East Boston avenue, between Trenton avenue and west of Sepviva street.

Approved the first day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Mayor to abrogate the contract between the City of Philadelphia and the Sax & Abbott Construction Company, dated December 22, 1911, for the erection of a Home for the Feeble Minded in the Forty-first Ward, and authorizing a certain transfer in the annual appropriations to the Mayor and the City Treasurer, for the year 1912, to accomplish the same.

WHEREAS, The City of Philadelphia has entered into a contract for the construction of a Home for the Feeble Minded on the tract of ground known as the Brown Farm, adjoining the Torresdale Filters, with the Sax & Abbott Construction Company;

AND WHEREAS, The said contractor has agreed to accept the sum of ten thousand (10,000) dollars as compensation for the abrogation of said contract; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor be, and he is hereby authorized to agree, on behalf of the City of Philadelphia, that the said contract for the construction of a Home for the Feeble Minded on the tract known as the Brown Farm, adjoining the Torresdale Filters, in the Forty-first Ward, shall be abrogated and annulled, the said City of Philadelphia paying to said contractor the sum of ten thousand (10,000) dollars as compensation for the abrogation of said contract.

SECT. 2. The City Controller be, and he is hereby authorized and directed to make the following transfer in

the annual appropriations to the City Treasurer and the Mayor, for the year 1912, viz.: City Treasurer, From Item 16, for Sinking Fund, etc., ten thousand (10,000) dollars (being a portion of an excess appropriation made to this item before the new school code went into effect, and now rendered unnecessary, owing to the fact that the Board of Education has paid in its proportion of the Sinking Fund charges), to the Mayor: To Item 5 (new), to pay the Sax & Abbott Company the amount agreed upon for the abrogation of said contract; and the Mayor is hereby authorized to draw, and the City Controller to countersign, a warrant for said amount in favor of the said firm for the purposes aforesaid.

Approved the second day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing and directing the Department of Public Safety (Electrical Bureau) to draw, and the City Controller to countersign, warrants for the payment of electric lights herein authorized.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That electric lights be located as follows: Six (6) on Chestnut street bridge and approaches; six (6) are lamps under railroad bridge, Frankford avenue, above Lehigh avenue; Twenty-first street, above Callowhill street; Brandywine street, between Broad and Fifteenth streets; Girard avenue, east of Schuylkill river; Seventeenth street and Glenwood avenue; Seventh street, between Lehigh avenue and Somerset street; three (3) on Sansom street, between Seventh and Eighth streets, to burn from August 1, 1912; and the following to burn from October 1, 1912: Six (6) are lamps under railroad bridge on Kensington avenue, above

Lehigh avenue; eight (8) are lamps under railroad bridge on Aramingo avenue, above Lehigh avenue; four (4) are lamps under railroad bridge on Belgrade street, above Lehigh avenue; four (4) are lamps under railroad bridge on Thompson street, above Lehigh avenue; Twentieth and Buttonwood streets; Buttonwood street, between Sixteenth and Seventeenth streets; Brandywine street, between Sixteenth and Seventeenth streets; Aramingo avenue, below Lehigh avenue; Second and Mifflin streets; Woodland avenue, west of Thirty-second street; Front and Palmer streets; Sedgley avenue, between Twenty-first and Twenty-second streets; Sedgley avenue, east of Twenty-first street; Fifteenth and Courtland streets; Nineteenth and Shunk streets; front of University Hospital, Spruce street, between Thirty-fourth and Thirty-sixth streets, Westmoreland Park; Glenwood and Montgomery avenues; Twentyninth and Clearfield streets; Fifty-seventh and Christian streets; Broad and Wingohocking streets; Twenty-first and Clearfield streets; Seventeenth and Cambria streets; Mercer and Ann streets; Tulip street and Allegheny avenue; East York street, between Tulip and Memphis streets; Trenton avenue, between East York street and East Adams street; Norris street, between Tulip and Memphis streets; Trenton avenue, between Bergees street and East Norris street; Trenton avenue and Firth street; Glenwood avenue and Venango street; Richmond and Schiller streets; Bridge street, between Thompson and Salmon streets; Emerald and Madison streets; Chadwick street, between Moore and Mifflin streets; Clarion and Tasker streets; Wilder street, east of Twelfth street; Wharton street, between Fifteenth and Sixteenth streets; McKean street, between Fifteenth and Sixteenth streets; American street, between Ritner and Wolf streets; on Mifflin street, between Fifth and Sixth streets; Fortieth and Mt. Vernon streets; Girard avenue, between Thirty-eighth and Thirty-ninth streets; Fortieth and Haverford streets; Fortieth street, south of Powelton avenue; Nicetown and Harrogate lanes; Fifth and Wingohocking streets; Rorer and Ontario streets; Poplar street, between Twelfth and Thirteenth streets; Alder and Wallace

streets; Thirty-third and Chancellor streets; Thirty-fourth street and Woodland avenue; Walnut street, west of Fortieth street; two (2) on Fortieth street, between Walnut and Spruce streets; Locust street, between Thirty-ninth and Fortieth streets; Torresdale avenue and Faust street; Wyoming avenue and Orthodox street; Orchard and Ruan streets; Tioga and Watts streets; Broad street and Glenwood avenue; Dupont street, in front of St. David's Church; Gerhard street, between Ridge avenue and Mitchell street; Walnut lane, west of Bridge street; Fifty-first and Sansom streets; Baltimore avenue and Catharine street; Wayne avenue, northwest of Wayne Junction Bridge, Philadelphia and Reading Railway; East Haines street, east of Germantown avenue; Church lane, near Twenty-first street; Green street, between Upsal and Sharpnack streets; Germantown road and Loudon street; Ardleigh street and Evergreen avenue; Cedar street, between Clearfield street and Allegheny avenue; four (4) on Arch street, between Twenty-first and Twenty-third streets; Cresson street and Midvale avenue; Broad street and Erie avenue; Sixteenth and Pike streets; Lehigh avenue and Judson street; Carlisle street and Allegheny avenue; Rhawn street, between Moro and Crispin streets; Rhawn street, west of G street; Rhawn street, west of K street; Tenth and Butler streets; Randolph street, south of Erie avenue; Twelfth and Lycoming streets; Airdrie street, between Twelfth and Thirteenth streets; Broad and Elser streets; Fifty-eighth and Woodbine avenue; Fifty-second street and Susquehanna avenue; Georges lane and Susquehanna avenue; Sixtieth street and Lansdowne avenue; Vine street, between Fifty-ninth and Sixtieth streets; Frankford and Princeton avenues; Vandike and Friendship streets; Frankford avenue, north of Ashburner street; Dittman and Devereaux streets; Tyson and Jackson streets; Forty-eighth street, north of Haverford avenue; Merion avenue, between Wyalusing street and Girard avenue; Paxton and Race streets; Fifty-fourth street, between Westminster avenue and Ogden street; Thirtieth street, between Spruce and Pine streets; Ingersoll street, between Fifteenth and Sixteenth streets;

Turner street, between Nineteenth and Twentieth streets;
 Stiles street, between Sixteenth and Seventeenth streets;
 Thompson street, between Eighteenth and Nineteenth
 streets; Thompson street, between Seventeenth and Eight-
 teenth streets; Allegheny avenue and Memphis street;
 Aramingo avenue, between Clearfield street and Allegheny
 avenue; Seventeenth street and Washington avenue;
 Eighteenth street and Washington avenue; Twenty-second
 and League streets; Wharton street, between Twenty-
 third and Twenty-fourth streets; Twenty-second street,
 between Reed and Dickinson streets; Dickinson street,
 between Twenty-third and Twenty-fourth streets; Morris
 street, between Nineteenth and Twentieth streets; Mont-
 rose street, west of Tenth street; on American street, at
 north corner of Christ Church; Olney avenue and York
 road; Olney avenue and Second street; under Reading
 Railroad bridge, Clinton street and Tabor road; Broad
 street, south of Cheltenham avenue; Fourth street, between
 Diamond street and Susquehanna avenue; Hope street,
 between York and Cumberland streets; Palethorp street,
 below Berks street; Howard street, between Norris and
 Diamond streets; Orianna street, between York and Cum-
 berland streets; Fifty-ninth and Pine streets; Sixty-
 second and Spruce streets; Glenwood avenue and Holly-
 wood street; Thirtieth street, between Master and Jeffer-
 son streets; Twenty-sixth street, between Columbia and
 Montgomery avenues; Twenty-sixth street, between
 Girard avenue and Thompson street; West College ave-
 nue, between Girard avenue and Thompson street;
 Twenty-ninth street, above York street; corner of Twenty-
 third street and Sedgley avenue; Napa street and Le-
 high avenue; Eighty-sixth street and Tinicum avenue;
 Eighty-first street and Tinicum avenue; Sixty-eighth
 street and Greenway avenue; Fifty-ninth street and Ash-
 land avenue; Woodland avenue and Felton street; Law-
 rence street, above Culbert street; Randolph street, be-
 low Cambridge street; Moyamensing avenue and Emily
 street; seven (7) on Main street, between Walnut lane
 and Green lane; Susquehanna avenue, between Park ave-
 nue and Thirteenth street; Bailey street, above Mont-

gomery avenue; Lambert street, above Diamond street; Woodstock street, above Diamond street; northwest corner Sixty-first street and Columbia avenue; south side of Columbia avenue 500 feet east of Sixty-third street, to be paid for out of the unexpended balance in Items 9 and 9½ of the annual appropriation to the Department of Public Safety (Electrical Bureau), and authorizing and directing the Department of Public Safety (Electrical Bureau) to draw, and the City Controller to countersign, warrants for the payment of electric lights herein authorized: *Provided*, That in lieu of the above are lights under railroad bridges, namely, twenty-eight (28), the Chief of the Electrical Bureau may in his discretion locate not more than five (5) incandescent lamps for each arc light of a type and size approved by him, to be paid for at the rate decided on by the Commission appointed by the Mayor under authority of Councils, approved April 1, 1895, to determine the rate to be paid by the City of Philadelphia for incandescent current for lighting public buildings, etc.

Approved the second day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the striking from the City plan of Arbutus street, from Lincoln avenue to Hortter street

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan Arbutus street, from Lincoln avenue to Hortter street: *Provided*, That the owners of property affected, except Mary B. Stuart, shall within one year from the approval

of this ordinance, first file an agreement, satisfactory to the City Solicitor, not to claim damages by reason of the striking from the plan of Arbutus street.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the settlement of claims for damages to real and personal property occasioned by a break in the water mains in Eva street, near Shawmont avenue, Roxborough, on November 28, 1911, and authorizing a transfer in the annual appropriations to the Department of Public Works and City Treasurer for the payment of such damages, and authorizing the drawing, countersigning and delivery of warrants in satisfaction thereof.

WHEREAS, By a break in the water mains in Eva street, near Shawmont avenue, Roxborough, occurring on November 28, 1911, damage was done to the real or personal property, or both, of persons hereinafter named;

AND WHEREAS, Negotiations conducted by the Bureau of Water, together with the Law Department of the City of Philadelphia, with the owners of said property and their attorneys have resulted in a tentative agreement of settlement being reached whereby the damage to the real estate of such owners is to be repaired by the City, acting through the Department of Public Works (Bureau of Water), and the damage to the personal property is to be adjusted by the payment to the owners thereof respectively of the sums hereinafter set forth:

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of twenty-six thousand two hundred and fifty-four (26,254) dollars and sixty-two (62) cents be, and the same is hereby trans-

ferred from Item 15, for estimated interest, etc., Department of City Treasurer, to the Department of Public Works (Bureau of Water), to Item 26 (new), to be used in settlement of the said damages in accordance with said agreement, which is hereby confirmed.

SECT. 2. The Director of the Department of Public Works is hereby authorized to draw, the City Controller to countersign, and the City Treasurer to pay warrants as follows: For work and material to be used in the repair of the said damages to real estate, eighteen thousand (18,000) dollars. In full satisfaction for damages to personal property occasioned as aforesaid, eight thousand two hundred and fifty-four (8,254) dollars and sixty-two (62) cents, as follows: In favor of George Faustmann, for one hundred and ninety-six (196) dollars; Charles Carver, seventy-eight (78) dollars and fifty (50) cents; Arthur L. Johnson, fifty-two (52) dollars and twenty-five (25) cents; Joseph Myers, six hundred and seventy-five (675) dollars; George H. Ran, four hundred and fifty (450) dollars; John Cardy, one hundred and ninety-seven (197) dollars and eighty (80) cents; James Barkley, two hundred and fifty-five (255) dollars and fifty-three (53) cents; Robert Torrens, sixty (60) dollars; Edward B. Layre, nine hundred (900) dollars; estate of Fred. Carpenter, eight hundred and fifty-three (853) dollars; Mrs. Hermina D. Knoll, one thousand seven hundred (1,700) dollars; Philadelphia and Reading Railway Company, one hundred and eighty-seven (187) dollars and ninety-one (91) cents; William D. Thomas, one thousand (1,000) dollars; Reading Transit Company, one hundred and forty-five (145) dollars and ninety-eight (98) cents; Emma E. and Caroline Hipple, five hundred and thirty-two (532) dollars and ninety-five (95) cents; Wm McMenamin, twenty-six (26) dollars and thirty (30) cents; Edward E. and Hannah Davis, nine hundred and forty-three (943) dollars and forty (40) cents, and upon the repair of the said damages and payment of the said claims as aforesaid, releases of the City of Philadelphia from all liability by reason of the said breaking of the water mains or in any way arising there-

from, in form to be approved by the City Solicitor, shall be taken from the said owner or owners of such property.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To take, use and appropriate certain properties, bounded by Sixteenth street, the line of Appletree street and the Parkway and also property bounded by Seventeenth street, the line of Appletree street, Arch street and the Parkway, and to authorize the opening of so much of the Parkway as is bounded by the line of Appletree street and Sixteenth street and Arch street, and authorizing the entering of security for the payment of damages.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That under authority and in accordance with the Act of Assembly approved June 8, 1907, entitled "An Act authorizing cities of this Commonwealth to purchase, acquire, take, use and appropriate private property, for the purpose of making, enlarging, extending, and maintaining public parks, parkways and playgrounds; authorizing the said cities to purchase, acquire, take, use and appropriate neighboring private property, within two hundred feet of the boundary lines of such public parks, parkways and playgrounds, in order to protect the same by resale with restrictions; authorizing the resale of such neighboring property, with such restrictions in the deeds of resale in regard to the use thereof as will protect such public parks, parkways and playgrounds; and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages in all cases where property is taken, used and appropriated for the said purposes," they do take, use and appropriate the

property bounded and described as follows: Beginning at the point of intersection of the eastwardly side of Seventeenth street and the southwardly side of Appletree street as formerly laid out upon the City plan; thence extending southward along the eastwardly side of Seventeenth street one hundred and fifty-seven feet and eight one-hundredths of a foot to a point on the northwardly side of Arch street; thence eastwardly along the northwardly side of Arch street two hundred and sixteen feet and sixty-two one-hundredths of a foot to a point on the northwardly side of Arch street; thence northwardly on a line nearly at right angles to the northwardly side of Arch street thirty-three feet and six hundred and fifty-three one-thousandths of a foot, to a point on the southwestwardly side of the Parkway; thence northwestwardly along the southwestwardly side of the Parkway two hundred and seventeen feet and ninety-eight one-thousandths of a foot, to a point on the southwardly side of Appletree street as formerly laid out upon the City plan; and thence westwardly along the southwardly side of the said Appletree street as formerly laid out upon the City plan thirty-seven feet and two hundred and fourteen one-thousandths of a foot to the first mentioned point and place of beginning; also, all the property bounded and described as follows: Beginning at a point on the southwest corner of Sixteenth and Appletree streets, thence westwardly along the south side of Appletree street, as formerly laid out upon the City plan fifty feet; thence southwardly parallel with Sixteenth street and along the east side of the Parkway forty-three feet and forty-seven one-thousandths of a foot to the northeast side of the Parkway; thence southeastwardly along the same twenty-four feet and fifty-four one-hundredths of a foot to a point on the north side of the Parkway; thence eastwardly along the same and parallel with Appletree street as formerly laid out upon the City plan twenty-nine feet and seventy-three one-hundredths of a foot to the west side of Sixteenth street; thence northwardly along the same fifty-seven feet to the first mentioned point and place of beginning; and these Councils do hereby declare that the control of the above described property, which is located within two

hundred feet of the boundary line of the Parkway, is reasonably necessary in order to protect the said Parkway and environs and the preservation of the view, appearance, light, air, health or usefulness thereof.

SECT. 2. That the Director of the Department of Public Works is hereby authorized to notify the owners of property over and through which so much of the Parkway will pass, as is within the lines thereof, between the corner of Sixteenth and Arch streets and Apple-tree street, as formerly laid out upon the City plan, that at the expiration of three months from the date of said notice, same will be required for public use.

SECT. 3. The Mayor of the City is hereby authorized to enter security on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the taking of the property described in Section 1 and the opening of said Parkway, and upon the filing of said bond and at the expiration of said three months the said Director of the Department of Public Works shall forthwith proceed to open said Parkway within the boundaries as set forth in Section 2 of this ordinance.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

To authorize the Director of the Department of Supplies to draw, and the City Controller to countersign, certain warrants for coal purchased in the open market in contemplation of a strike at the mines, and for the storage of and demurrage incurred in connection therewith; also, for supplies heretofore furnished during the year 1912; and directing the presentation of this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Director of the Depart-

ment of Supplies be, and he is hereby authorized to draw, and the City Controller to countersign, certain warrants aggregating fifty-two thousand six hundred and ninety-eight (52,698) dollars and thirty-one (31) cents for coal purchased in the open market in contemplation of a strike at the mines, and for the storage of and demurrage incurred in connection therewith; also, for supplies heretofore furnished during the year 1912 and chargeable against certain items, as follows: Department of Supplies (Water): To Item 15-E, Keystone Coal and Coke Co., for coal, forty thousand four hundred and seventy-five (40,475) dollars and sixty-nine (69) cents, and for demurrage, eight hundred and thirty-six (836) dollars; Rogers-Corr Coal Co., for coal, two thousand five hundred and seventy-three (2,573) dollars and sixteen (16) cents, and for demurrage, six hundred and ten (610) dollars; Philadelphia and Reading Coal and Iron Co., for coal, eight hundred and forty-two (842) dollars and forty-five (45) cents; (Wharves, Docks and Ferries): To Item 7-E, Chas. D. Norton Co., for coal, three hundred and forty-one (341) dollars and ninety-four (94) cents; Madeira, Hill & Co., for coal, three hundred and seventy-two (372) dollars; (City Property): To Item 60-E, McKee & Co., for storing coal, two thousand seven hundred (2,700) dollars; (Health): To Item 6, Alfred Lowry & Bro., for groceries, etc., two thousand four hundred and eighty (2,480) dollars and sixty-five (65) cents; (Correction): To Item 17, William Hill & Sons, Inc., for coffee, one hundred and ninety-seven (197) dollars; (Wharves, Docks and Ferries): To Item 3, Martin W. Bougher, for groceries, etc., nine hundred and twenty-three (923) dollars and twenty (20) cents; to Item 8, Delaware Ship Supply Co., for groceries, three hundred and forty-six (346) dollars and twenty-two (22) cents.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Chew, Fallon, Gladstone, Irving, Lawrence, Roseberry, Seventh and Twenty-seventh streets and the Boulevard.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Chew street, from Sixth to Seventh street; Fallon street, from Chestnut to Ludlow street; Gladstone street, from Front to Second street; Irving street, from Sixty-first to Sixty-second street; Lawrence street, from the Boulevard to Rockland street; Roseberry street, from Front to Second street; Seventh street, from Elkins avenue to Chew street; Twenty-seventh street, from Cambria to Indiana street; the Boulevard, from Fifth to Lawrence street.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Carpenter, Catharine, Christian, Ditman, Foulkrod, Lambert, Loudon, Rockland and Webster streets and Washington avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Carpenter street, from Sixty-second street to Cobbs Creek Parkway; Catharine street, from Sixty-second street to Cobbs Creek Parkway; Christian street, from Sixty-second street to Cobbs Creek Parkway; Ditman street, from Comly to Benner street; Foulkrod street, from P street to Castor road; Lambert street, from Shunk to Porter

street; Loudon street, from Rising Sun avenue to Palethorp street; Rockland street, from Rising Sun avenue to the Northeast Boulevard; Webster street, from Sixty-second street to Cobbs Creek Parkway; Washington avenue, from Sixty-second street to Cobbs Creek Parkway.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Wharves, Docks and Ferries to offer at public sale and enter into a lease for the space under Walnut street bridge, between Thirtieth street and the Schuylkill river.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Wharves, Docks and Ferries be authorized to offer at public sale the lease, for a period of ten years, for the space under Walnut street bridge, between Thirtieth street and the Schuylkill river, and enter into a lease for said ground at a rental of not less than three hundred and fifty (350) dollars per annum.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To transfer the custody and control of property heretofore used as the water works at Chestnut Hill, known as Chestnut Hill Reservoir, from the Department of Public Safety (Bureau of City Property) to the Board of Recreation (Department of Recreation).

WHEREAS, By ordinance of Councils approved June 23, 1910, the property heretofore used as the water works, and known as the Chestnut Hill Reservoir, was set aside as a public playground; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the property heretofore used as the water works at Chestnut Hill, and known as the Chestnut Hill Reservoir, and more particularly described as follows: Beginning at a point in a line parallel with and one hundred and forty-seven and six hundred and twenty-five thousandths (147.625) feet at right angles northeastward from the northeast line of Ardleigh street (formerly Twenty-fifth street), fifty (50) feet wide, at the distance of one hundred and two and six hundred and eighty-seven thousandths (102.687) feet southeastward from the former southeast line of Southampton avenue, fifty (50) feet wide; thence north $43^{\circ} 03' 43''$ east five hundred and sixteen and one hundred and twenty-five thousandths (516.125) feet to a point in the right-of-way line of the Philadelphia, Germantown and Chestnut Hill branch of the Philadelphia and Reading Railway; thence along the same south $40^{\circ} 16' 49''$ east two hundred and four and seventy-eight thousandths (204.078) feet to a point; thence south $39^{\circ} 33' 06''$ west two hundred and seven and five hundred and eighty-three thousandths (207.583) feet to a point; thence south $50^{\circ} 26' 54''$ east one hundred and seventeen and five hundred and eighty-three thousandths (117.583) feet to a point in the bed of Hartwell lane; thence continuing in the bed of Hartwell lane south $39^{\circ} 12' 39''$ west two hundred and seventy-one and five hundred and forty-seven thousandths (271.547) feet to a point in the line parallel with and one hundred and forty-seven and six hundred and twenty-five thousandths (147.625) feet northeastward from the northeast line of Ardleigh street; thence along the said parallel line north $50^{\circ} 26' 54''$ west three hundred and fifty-one and six hundred and seventy-two thousandths (351.672) feet to the first mentioned point and place of beginning, be, and the same is hereby transferred from the Department of Public

Safety (Bureau of City Property) to the Board of Recreation (Department of Recreation), for playground and recreation purposes.

SECT. 2. That the public, especially school children, have a right-of-way past the water-tower from Ardleigh street to the playground hereby provided to be located on the Chestnut Hill Reservoir site.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Philadelphia and Reading Railway Company, lessees of the Philadelphia and Reading Terminal Railroad Company, to construct a bridge over Spring Garden street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Philadelphia and Reading Railway Company, lessees of the Philadelphia and Reading Terminal Railroad Company, be, and is hereby authorized to replace the present truss bridge over Spring Garden street west of Ninth street by a four-track concrete arch bridge with supporting piers in the bed of the street: *Provided*, That all plans shall be submitted to the Director of the Department of Public Works for his approval before said work shall be commenced, and that the method of carrying on this work shall be subject to his approval; the entire cost and expense of the said structure and the improvement, including all damages of every nature, whether direct or indirect, which may be lawfully recoverable, shall be wholly borne and paid for by the Railway Company: *And provided further*, That the sum of fifty (50) dollars be first paid into the City Treasury by the Philadelphia and Reading Rail-

way Company, lessees, to cover the cost of publication of this ordinance.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Bambrey, Brooklyn, Cayuga, Coulter, Eighth, Ella, Henry, Kerbaugh, Sixth, Seventh, Solly, Stillman, Vaux and Wingohocking streets, Cemetery avenue and Warden drive.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Bambrey street, from Clearfield street to Allegheny avenue; Brooklyn street, from Woodland avenue to Saybrook street; Cayuga street, from Sixth to Ninth street; Coulter street, from Warden drive to McMichael street; Eighth street, from Cayuga to Wingohocking street; Ella street, from Mentor to Loudon street; Henry street, from Midvale avenue to School House lane; Kerbaugh street, from Germantown avenue to Sixteenth street; Sixth street, from Wingohocking to Annsbury street; Seventh street, from Cayuga to Wingohocking street; Solly street, from E to F street; Stillman street, from Clearfield street to Allegheny avenue; Vaux street, from Midvale avenue to School House lane; Wingohocking street, from Sixth to Ninth street; Cemetery avenue, from Kingessing avenue to about one hundred feet south; Warden drive, from Midvale avenue to Henry street.

Approved the third day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize a certain transfer in the annual appropriations to the City Treasurer and the Department of Public Works, for the year 1912, for the preparation of maps and plans, and engineering study of streams, ponds, pools, etc., and the habits of mosquitos and the best methods of eliminating same.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfer in the annual appropriations to the City Treasurer and the Department of Public Works, for the year 1912, viz.: City Treasurer: From Item 15, for estimated interest, etc., five thousand (5,000) dollars, to the Department of Public Works (Director's Office): To Item 7 (new), for the preparation of maps and plans of streams, ponds, pools, etc., and the employment of such engineering and other experts as may be necessary to study the habits of mosquitos and the best methods of eliminating them.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the Department of Supplies, Art Jury and Clerks of Councils, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Department of Supplies, the Art Jury and Clerks of Councils, for the year 1912, viz.: Clerks of Councils: From Item 7½

(1910), to pay Manufactures' Appraisal Co., seven thousand four hundred (7,400) dollars, to the following: Art Jury, to Item 1, for salaries, to provide for Assistant Secretary, at the rate of two thousand (2,000) dollars per annum; for stenographer and typewriter, at the rate of nine hundred (900) dollars per annum; total, two thousand nine hundred (2,900) dollars. To Item 2, for stationery, printing, postage, transportation, hire of vehicles, traveling and hotel expenses, messenger service, books and periodicals for library and incidentals, two thousand (2,000) dollars. Department of Supplies (Art Jury): To Item 8, for ice, towels and soap, furniture, carpets, rugs, and other office furnishings, and other supplies, two thousand five hundred (2,500) dollars.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of buildings for the care of feeble-minded persons on property owned by the City at Byberry.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Health and Charities be, and is hereby authorized to advertise for proposals and enter into a contract for the construction of buildings for the care of feeble-minded persons on property owned by the City at Byberry, with necessary equipment for sewage disposal. The said work to be paid for out of Item 52D, loan of June 19, 1911.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the purchase of properties Nos. 1615 to 1623 Ruffner street for bath house purposes.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and directed to examine the title to all that certain lot or piece of ground Nos. 1615 to 1623 Ruffner street, seventy-five feet front by one hundred and twenty feet deep, and if he approves of the same to cause a conveyance to be made to the City of Philadelphia in fee, for bath house purposes. The consideration therefor not to exceed the sum of four thousand eight hundred (4,800) dollars, to be chargeable against Item 74, in the annual appropriation to the Department of Public Safety (Bureau of City Property).

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To transfer all balances remaining to the credit of Item 19 in the annual appropriation to the Department of Public Works. (Bureau of Highways) for the maintenance of automobiles during 1912, and Item 6, Bureau of Surveys, for horse keep and keep of automobiles, to Item 4, Director's Office, Department of Public Works, for maintenance and equipment of automobiles and uniforms for chauffeurs.

WHEREAS, There are a number of automobiles used in the City's service, the property of the Director's Office and the several Bureaus of the Department of Public Works, and it is deemed advisable that the expenditures for their maintenance, etc., should be under the sole direction of the Director's Office; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized and directed, on July 1, 1912, to transfer all balances remaining to the credit of Item 19 in the annual appropriation to the Department of Public Works (Bureau of Highways) for the maintenance of automobiles during 1912, and Item 6, Bureau of Surveys, for horse keep and keep of automobiles, to Item 4, Director's Office, Department of Public Works, for maintenance and equipment of automobiles and uniforms for chauffeurs.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing and empowering the Director of the Department of Wharves, Docks and Ferries to adjust the claim of the Italia Societa di Navigazione a'Vapore, Hartfield, Solari & Company, General Agents, by temporary and partial abatement of rent.

WHEREAS, The Department of Wharves, Docks and Ferries, under date of the seventeenth day of July, A. D. 1911, leased to the Italia Societa di Navigazione a'Vapore, through their General Agents, Hartfield, Solari & Company, a corporation of the State of Delaware, the south side of Municipal Pier No. 19, North Wharves (Vine Street), Delaware river, for the term of one year, to date from the first day of November, A. D. 1911, together with appurtenances, with the distinct understanding that

the pier would be in complete working order by the first day of December, A. D. 1911;

AND WHEREAS, Owing to the delay in the delivery and installation of the electrical supplies, the electric freight elevators were incapable of operation prior to April 1, 1912;

AND WHEREAS, Owing to the lack of elevator accommodations, the Italia Societa di Navigazione a'Vapore, through their General Agents, Hartfield, Solari & Company, were put to extra expense in handling the cargo of the Steamship "Ancona" on her arrival at this port, March 15, 1912, and for which they have made a claim of one thousand and forty-five (1,045) dollars; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Wharves, Docks and Ferries be authorized and empowered to make such settlement of the claim of the Italia Societa di Navigazione a'Vapore, Hartfield, Solari & Company, General Agents, as he may deem proper, in the shape of a temporary and partial abatement of rent, which shall not exceed one thousand (1,000) dollars.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Changing the titles of certain officials in the Bureau of Fire.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That from and after the passage of this ordinance the titles of the following officials in the Bureau of Fire be, and the same are hereby changed: "Assistant to the Chief Engineer" to be changed

to "Deputy Chief Engineer;" "Assistant Engineer" to be changed to "Battalion Chief;" "Foreman" to be changed to "Captain;" "Assistant Foreman" to be changed to "Lieutenant."

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed..

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

RESOLUTION

Authorizing the Joint Committee on Soldiers' Monuments to visit Antietam Battlefield in September next, on the Fiftieth Anniversary of said battle, and directing the presentation of this resolution to the Mayor for his approval or disapproval.

WHEREAS, On September 17th next the Fiftieth Anniversary of the Battle of Antietam will be observed, and as the City of Philadelphia has located on said battlefield a park and monument, and in order that proper recognition of said event may be made by this City;

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Joint Committee on Soldiers' Monuments be authorized to visit Antietam Battlefield, for the purpose of participating in the commemoration of the Fiftieth Anniversary of said battle in September next. The cost of the same not to exceed the sum of one thousand two hundred (1,200) dollars, and be charged against Item 7 in the annual appropriation to the Clerks of Councils, for the year 1912.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing and directing the settlement of the claim of the Filbert Paving and Construction Company against the City for the annulment of the contract for a bulkhead on the Schuylkill river in front of Bartram Park, by payment to said company of the sum of ten thousand (10,000) dollars; and authorizing a certain transfer in the annual appropriation to the City Treasurer and Department of Wharves, Docks and Ferries, for the year 1912.

WHEREAS, A contract between the City of Philadelphia (Department of Wharves, Docks and Ferries) and the Filbert Paving and Construction Company for the construction of a bulkhead on the Schuylkill river in front of Bartram Park was executed on December 1, 1911, the amount of said contract to be one hundred and forty-one thousand five hundred (141,500) dollars;

AND WHEREAS, It being deemed premature and unwise by the Mayor and Director of the Department of Wharves, Docks and Ferries to proceed with the performance of the said contract at this time, said contract was annulled by the Mayor, in consultation with the said Director, on December 14, 1911;

AND WHEREAS, The damages to the Filbert Paving and Construction Company arising out of the annulment of said contract as aforesaid have been fixed by agreement between the said company and the Mayor at the sum of ten thousand (10,000) dollars; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the claim and controversy between said Filbert Paving and Construction Company and the City of Philadelphia so arising be, and the same is hereby authorized and directed to be settled and adjusted by the payment to the said Filbert Paving and Construction Company of the said sum of ten thousand (10,000) dollars.

SECT. 2. For the purpose of settling and adjusting the said claim, the City Controller is hereby authorized and directed to transfer from Item 16, for Sinking Fund charges, etc., in the annual appropriation to the City Treasurer, for the year 1912, the sum of ten thousand (10,000) dollars (being a portion of an excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Education has paid in its proportion of the Sinking Fund charges), to the Department of Wharves, Docks and Ferries, to Item 31 (new), and the Director of the said Department is hereby directed to draw, and the City Controller to countersign, and the City Treasurer to pay, a warrant for said amount in favor of the Filbert Paving and Construction Company in satisfaction of said claim.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, City Controller, Clerks of Councils, Law, Board of Revision of Taxes, Register of Wills and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, City Controller, Clerks of Councils, Law, Board

of Revision of Taxes, Register of Wills and City Treasurer, for the year 1912, viz.:

Department of Public Safety (Electrical Bureau): From Item 1, for salaries, six hundred (600) dollars. City Commissioners: From Item 44, the unexpended balance out of the two hundred thousand (200,000) dollar loan for the House of Detention for Juvenile Prisoners, under ordinance approved April 15, 1908, six thousand one hundred and fifty-four (6,154) dollars and thirteen (13) cents. City Controller: From Item 1, for salaries, one thousand eight hundred and fifty (1,850) dollars. Clerks of Councils: From Item 7½, to pay bill of Manufacturers' Appraisal Company, etc., two hundred and nineteen (219) dollars and ninety-one (91) cents. City Treasurer: From Item 15, for interest, etc., thirty-two thousand nine hundred (32,900) dollars, to the following:

Department of Public Safety (Bureau of Police): To Item 10, for the detection, arrest and conviction of offenders, etc., two thousand five hundred (2,500) dollars; to Item 15, for horseshoeing, three thousand (3,000) dollars; to Item 21½, for the purchase and maintenance of an automobile for Assistant Fire Marshal John W. Glover, one thousand (1,000) dollars; (Bureau of Fire): To Item 1, so as to provide for the salary of foreman of truck house, at the rate of one thousand four hundred (1,400) dollars per annum, from July 1, seven hundred (700) dollars; to Item 16 (new), to equip fire trucks with emergency kits, three hundred (300) dollars; (Electrical Bureau): To Item 1, so the salary of stenographer shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of nine hundred (900) dollars per annum, from July 1, one hundred and fifty (150) dollars, and to provide for an index clerk, at the rate of nine hundred (900) dollars per annum, from July 1, four hundred and fifty (450) dollars; total, six hundred (600) dollars; (Bureau of City Property): To Item 49½, for drainage and water pipe and other contingent expenses incident to the construction of bath house in the Forty-first Ward, one thousand seven hundred (1,700) dollars; to Item 76 (new), for the erection of a public comfort station in the

park at Torresdale avenue and Cottman street, in the Forty-first Ward, three thousand (3,000) dollars. Department of Public Works (Bureau of Highways): To Item 1, so as to provide for two assistant engineers of construction, at the rate of three thousand six hundred (3,600) dollars per annum each, from July 1, three thousand six hundred (3,600) dollars, and paymaster, at the rate of one thousand two hundred (1,200) dollars per annum, from July 1, six hundred (600) dollars; total, four thousand two hundred (4,200) dollars. Department of Public Health and Charities (Bureau of Health): To Item 9, for eye glasses, etc., five hundred (500) dollars; (Bureau of Charities): To Item 1½, to pay claims against the City as follows: Freemont Bowman, farmer, for salary, December, 1911, thirty-five (35) dollars and forty-eight (48) cents; Mary Convery, forewoman of laundry, for salary for December, 1911, seven (7) dollars and thirty-four (34) cents; to Item 11½, Harry Brandt, carpenter, salary for December, 1911, one (1) dollar and sixty (60) cents; to Item 14½, Bertha Fernbach, pupil nurse, for salary for December, 1911, three (3) dollars and seventy-seven (77) cents; Margaret K. Sharkey, pupil nurse, for salary for December, 1911, eleven (11) dollars and fifty (50) cents; James Cahill, assistant male nurse, for salary for December, 1911, four (4) dollars and sixty-four (64) cents; Annie Brown, waitress, for salary for December, 1911, one (1) dollar and sixty-eight (68) cents; to Item 22½, John C. Miller, assistant physician, for salary for December, 1911, twelve (12) dollars and ninety (90) cents; to Item 39½, Benjamin F. Whittington, attendant, salary for November, 1911, sixteen (16) dollars; to Item 43, for the erection of iron stairways, etc., in the Philadelphia General Hospital, one hundred and thirty-two (132) dollars. Department of Supplies (Health): To Item 4, for vaccine virus and anti-toxin, three thousand (3,000) dollars. City Commissioners: To Item 1, so that the salaries of Criers shall be at the rate of two thousand two hundred and fifty (2,250) dollars per annum, and the salaries of the Tipstaves in the Courts of Common Pleas and Quarter Sessions shall be at the rate of two thousand (2,000) dollars per an-

num, eight thousand eight hundred and seventy-five (8,875) dollars; to Item 33½ (loan), for maintenance of House of Detention, six thousand one hundred and fifty-four (6,154) dollars and thirteen (13) cents: *Provided*, That the City Commissioners be authorized to draw, and the City Controller to countersign, warrants for the purchase of supplies and payment of miscellaneous expenses of the salaries and wages of the officers and servants employed by the Board of Managers upon certificate of said Board to their correctness, accompanied by itemized bills of said supplies and expenses. City Controller: To Item 1, so that the salary of the general auditor shall be at the rate of two thousand (2,000) dollars per annum in lieu of one thousand seven hundred (1,700) dollars per annum, from July 1, and so as to provide for property clerk, at the rate of one thousand two hundred (1,200) dollars per annum, and an expenditure analysis clerk, at the rate of one thousand two hundred (1,200) dollars per annum in lieu of two miscellaneous clerks at one thousand (1,000) dollars each per annum, from July 1, two thousand two hundred (2,200) dollars. Clerks of Councils: To Item 1, so that the salary of the Secretary of the Finance Committee shall be at the rate of three thousand (3,000) dollars per annum, from July 1, one hundred and twenty-five (125) dollars; to Item 8, so that the assistant stenographer and typewriter of Select Council and the typewriter and assistant to Committee Clerk of Common Council shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of nine hundred (900) dollars per annum, from July 1, and so that the salary of the transcribing clerk of Common Council shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand one hundred (1,100) dollars per annum, from July 1, three hundred and fifty (350) dollars. Law Department: To Item 5½ (new), to pay for services of Frank J. Quinn for serving tax lien notices during 1911, one hundred and twenty-three (123) dollars. Board of Revision of Taxes: To Item, 3, so that the salary of the doorkeeper shall be at the rate of eight hundred and forty (840) dollars per annum in lieu of six hundred (600) dollars per annum,

from July 1, one hundred and twenty (120) dollars. Register of Wills. To Item 1, for salaries, so as to provide for three additional clerks, from July 1, one at one thousand five hundred (1,500) dollars per annum, one at one thousand two hundred (1,200) dollars per annum, and one at one thousand (1,000) dollars per annum, one thousand eight hundred and fifty (1,850) dollars; said appointments to date from July 1, and four clerks at one thousand two hundred (1,200) dollars each, from October 1, one thousand two hundred (1,200) dollars; total, three thousand and fifty (3,050) dollars.

Approved the fifth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to construct a service test roadway on the Byberry and Bensalem turnpike, from Red Lion road to City line.

WHEREAS, The materials employed in the construction of improved country roads are continually being improved and the methods of construction being changed;

AND WHEREAS, The only method of properly determining the relative efficiency of these materials is by an actual service test;

AND WHEREAS, The Bensalem pike is an important country road and is in immediate need of repair;

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works is hereby authorized and directed to construct on the Byberry and Bensalem turnpike, from Red Lion road to City line, a roadway of various types of pavement, to constitute a service test of

these materials, and he is further authorized to specify and contract for definite and special types of construction for each stretch, including proprietary pavements. The cost of said pavements to be paid out of Item 62 in the appropriation to the Department of Public Works (Bureau of Highways) for repairs to country roads.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of the unopened portion of the south side of Chestnut street, from Thirteenth to Juniper street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which the unopened portion of the south side of Chestnut street, from Thirteenth to Juniper street, will pass that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers out of unused balances in sundry loans in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Mayor, Board of Revision of Taxes, City Commissioners, Prothonotary, District Attorney, Inspectors of the County Prisons and Commissioners of Fairmount Park, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers out of certain unused balances in sundry loans in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Mayor, Board of Revision of Taxes, City Commissioners, Prothonotary, District Attorney, Inspectors of the County Prisons and Commissioners of Fairmount Park, for the year 1912, viz.:

Department of Public Safety (Director's Office): From Item 4B, for supervision of employment agencies, etc., three (3) dollars and twenty-five (25) cents. (Bureau of Police): From Item 3B, for expenses of van service, fifty-six (56) dollars and eighty (80) cents; from Item 4B, for meals, etc., ninety-one (91) cents; from Item 8B, for postage, etc., seventy-four (74) cents; from Item 14B, for expenses of patrol wagons, etc., one hundred (100) dollars. (Bureau of Fire): From Item 10, for high pressure fire system, etc., twenty-nine (29) dollars and three (3) cents. (Bureau of Building Inspection): From Item 2B, for postage, etc., four (4) dollars and ten (10) cents. (Bureau of City Property): From Item 4½, for repairs to market houses, etc., eighty-seven (87) dollars and thirty-nine (39) cents; from Item 10½, for repairs to Independence Hall, etc., two (2) dollars and seventy-eight (78) cents; from Item 10B, for repairs to Independence Hall, etc., eleven (11) dollars and eight (8)

cents; from Item 11B, for repairs to Recreation Piers, fifteen (15) cents; from Item 18B, for labor, repairs, flags, etc., eighty-six (86) dollars and fifty-five (55) cents; from Item 20B, for repairs to station and patrol houses, one (1) cent; from Item 20½, for plumbing, etc., five (5) cents. (Electrical Bureau): From Item 14B, for electric lights, etc., forty-four (44) dollars and forty-eight (48) cents. Department of Public Works (Bureau of Highways): From Item 6¾, for grading, etc., sixteen (16) dollars and thirty-one (31) cents; from Item 15B, for curbing, etc., forty-two (42) dollars and eighty-three (83) cents. Department of Public Health and Charities (Bureau of Health): From Item 3B, for incidentals, etc., nine (9) cents; from Item 5B, for repairs, etc., seventeen (17) cents; from Item 15B, for maintenance, etc., nineteen (19) dollars and thirty-three (33) cents. (Bureau of Charities): From Item 28B, for surgical instruments, etc., one (1) dollar and thirteen (13) cents; from Item 42A, for new boilers, etc., thirty-four (34) dollars and fifty (50) cents. Department of Wharves, Docks and Ferries: From Item 26D, for repairs, etc., and building two dump scows, eighty-four (84) dollars and seventy-three (73) cents. Department of Supplies (Director's Office): From Item 2B, for stationery, etc., thirty-eight (38) dollars and ninety (90) cents; (Police): From Item 4B, for supplies, etc., eighty-five (85) dollars and twenty-five (25) cents; from Item 9B, for horses, etc., fifty (50) dollars; (City Property): From Item 62B, for flags, etc., thirteen (13) dollars and ninety (90) cents; (Electrical): From Item 47B, for instruments, etc., sixty (60) dollars and forty (40) cents; from Item 49B, for signal and telephone service, fifty-six (56) dollars and ninety-five (95) cents; (Health): From Item 4B, for virus, etc., five (5) dollars; from Item 6B, for groceries, etc., one (1) dollar and two (2) cents; from Item 8B, for fuel, fifty-five (55) dollars and six (6) cents; (Charities): From Item 13B, for stationery, etc., six (6) dollars and twelve (12) cents; from Item 20B, for fuel, eight (8) dollars and one (1) cent; from Item 30B, for sheets, etc., one (1) dollar and thirty-eight (38) cents; (Water):

From Item 20B, for chandlery, etc., twenty-four (24) cents; from Item 23B, for fittings, etc., twenty-three (23) dollars and ninety-seven (97) cents; from Item 28B, for cement, etc., thirty-eight (38) dollars and fifteen (15) cents; from Item 29B, for supplies, etc., three (3) dollars and forty (40) cents; (Wharves, Docks and Ferries): From Item 6B, for provisions, etc., nineteen (19) dollars and eighty-three (83) cents. Mayor: From Item 5B, for printing "Philadelphia," etc., forty-five (45) dollars and forty-five (45) cents. Receiver of Taxes: From Item 7B, for fuel, etc., eighty-eight (88) cents. City Commissioner: From Item 33A, for House of Detention, twenty (20) dollars and eighty-four (84) cents; from Item 33½, for House of Detention, four (4) dollars and eighty-nine (89) cents. Prothonotary: From Item 2B, for rebinding, two (2) dollars and fifty (50) cents. District Attorney: From Item 3B, for incidentals, etc., twenty-six (26) dollars and sixty-nine (69) cents. Sheriff: From Item 3A, for incidentals, etc., thirty-two (32) dollars and eighty-seven (87) cents. Inspectors of County Prisons (Holmesburg): From Item 2½, for beef, etc., one (1) dollar and one (1) cent; from Item 16½, for clothing, etc., twenty-five (25) cents. Commissioners of Fairmount Park: From Item 23, for permanent improvements, etc., forty-three (43) cents; total, one thousand two hundred and twenty-nine (1,229) dollars and eighty (80) cents; to Department of Public Works (Bureau of Highways): To Item 16½ (loan), for the improvement of the water courses in the Thirty-ninth Ward.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Markoe street, from Chestnut to Walnut street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Department of Public Works be authorized and directed to notify the owners of property over and through which Markoe street, from Chestnut to Walnut street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment for coal purchased in the open market in contemplation of a strike at the mines, and for coal heretofore furnished for the City Ice Boats during the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating one hundred and eighteen thousand four hun-

dred and thirty-two (118,432) dollars and thirteen (13) cents for coal purchased in the open market in contemplation of a strike at the mines, and chargeable against certain items, as follows: Department of Supplies (Water): To Item 15-E, Keystone Coal and Coke Co., eighty-five thousand and fifteen (85,015) dollars and forty (40) cents; Rogers-Corr Coal Co., four thousand three hundred and eighty-two (4,382) dollars and fifty-one (51) cents; Philadelphia and Reading Coal and Iron Co., twenty-seven thousand and fifty-six (27,056) dollars and eighty-three (83) cents; (Wharves, Docks and Ferries): To Item 7-E, Chas. D. Norton & Co., one thousand nine hundred and seventy-seven (1,977) dollars and thirty-nine (39) cents; also warrants in payment for coal furnished to the City Ice Boats, aggregating four thousand (4,000) dollars, chargeable against Item 5 (Ice Boats), for the year 1912, to pay bills of Chas. D. Norton Co.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment of supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating eighteen thousand two hundred and forty-six (18,246) dollars and eighty-six (86) cents, for supplies delivered under contracts between the awarding and the executing of the same and chargeable against certain items as follows: Department of Supplies (Mayor): Item 3, Clean

Towel Supply Co., for towel service, twenty-five (25) dollars and ninety-six (96) cents; Albert Anderman, for books, four (4) dollars and five (5) cents; Dunlap Printing Co., for printed cards, thirty-three (33) dollars and twenty-five (25) cents; (Taxes): Item 7, James Arnold, for printed books, sixty-five (65) dollars and fifty (50) cents; Dunlap Printing Co., for printed books and blanks, two thousand three hundred and seventy-three (2,373) dollars and fifty-seven (57) cents; The Bingham Co., for printed books and blanks, four thousand and seventy-five (4,075) dollars and eighty-eight (88) cents; (Charities): Item 14, The Fleischmann Co., for yeast, one hundred and sixty-six (166) dollars and twenty-five (25) cents; Item 18, John Wanamaker, for absorbent gauze, three hundred and forty-two (342) dollars; Item 19, Eastburn & Co., for brooms, etc., four hundred and seventy-two (472) dollars and fifty (50) cents; Jos. N. Snellenburg, for dishes, cocoa mats, etc., three hundred and sixty (360) dollars and five (5) cents; Item 24, Chas. Benton, for lumber, five hundred and forty-seven (547) dollars and thirty-nine (39) cents; (Police): Item 2, Clean Towel Supply Co., for towel service, fifteen (15) dollars and thirty-eight (38) cents; Item 6, Smith & Holthaus, for coal, seven hundred and eleven (711) dollars and twenty-six (26) cents; Robert Henderson & Co., for coal, two hundred and sixty-one (261) dollars and thirty-six (36) cents; Item 6-B, Smith & Holthaus, for coal, fourteen (14) dollars and twenty-three (23) cents; (Fire): Item 33, Geissel & Richardson, for lumber, three hundred and eighty (380) dollars and forty-two (42) cents; Horace T. Potts & Co., for iron and steel, six hundred and forty-two (642) dollars and eighty-four (84) cents; Frank T. Dunlap, for gum goods, one hundred and eighty-six (186) dollars and twenty-six (26) cents; Item 34, Eastburn & Co., for brooms, one hundred and fifty-seven (157) dollars and fifty (50) cents; Frank T. Dunlap, for soap, etc., two hundred and seventy-one (271) dollars and nineteen (19) cents; Item 35, John C. Hancock & Co., for coal and wood, three hundred and fifty-three (353) dollars and twelve (12) cents; Item

38, Frank T. Dunlap, for blankets, ninety-seven (97) dollars and fifty (50) cents; (Electrical): Item 43, Walker & Kepler, for electrical supplies, six hundred and ninety-eight (698) dollars and sixty-four (64) cents; Western Electrical Co., for electrical supplies, one hundred and ninety-six (196) dollars and seventy-four (74) cents; Item 45, Walker & Kepler, for electrical supplies, five hundred and thirty-two (532) dollars; (City Property): Item 59, Eastburn & Co., for brooms, two hundred and seven (207) dollars and ninety (90) cents; (Highways): Item 7, Goodyear Rubber Hose and Packing Co., for hose, one hundred and eighty (180) dollars; Item 8, Robt. Henderson & Co., for coal, four hundred and seventy (470) dollars and nineteen (19) cents; (Surveys): Item 10, Clean Towel Supply Co., for towel service, five (5) dollars and forty-six (46) cents; Item 11, Clean Towel Supply Co., for towel service, ten (10) dollars and forty (40) cents; Robt. Henderson & Co., for coal, fifty-three (53) dollars and ninety-six (96) cents; (Water): Item 18, Maddock & Co., for bolts, etc., one hundred and eighty-three (183) dollars and fifty-nine (59) cents; Item 19, Garlock Packing Co., for rubber valves, seven hundred and thirty-six (736) dollars and thirty-one (31) cents; Item 21, McArdle & Cooney, for boiler tubes, etc., one hundred and fifty-one (151) dollars and twenty-five (25) cents; Item 23, G. H. Clamer, for castings, two thousand four hundred and fifty-eight (2,458) dollars and thirty-five (35) cents; (Wharves, Docks and Ferries): Item 6, F. X. Mathis, for provisions, eight hundred and eighteen (818) dollars and eighty-four (84) cents.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To repeal an ordinance approved June 27, 1904, prohibiting the installation of water meters.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved June 27, 1904, entitled "An Ordinance to prohibit the installation of water meters in any premises in the City of Philadelphia and repealing so much of ordinances approved July 9, 1897, and July 27, 1901, as authorize and direct such installation of said meters be, and the same is hereby repealed.

Approved the thirteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting permission to the Union Passenger Railway Company and its Lessee, the Philadelphia Rapid Transit Company, to lay a single track railway on Huntingdon street between Thirty-fourth street and Ridge avenue, and also on Susquehanna avenue from Thirty-first street to Ridge avenue, connecting with the tracks already laid at each end of said extension, and to construct, maintain and operate the overhead trolley system in connection therewith.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Union Passenger Railway Company and its Lessee, the Philadelphia Rapid Transit Company, be, and they are hereby authorized to construct a single track railway on Huntingdon street from Thirty-fourth street to Ridge avenue, and also on Susque-

hanna avenue from Thirty-first street to Ridge avenue, connecting with tracks at each end of said extension, and to construct, maintain and operate in connection therewith an overhead trolley system with the right to construct and use all necessary curves, switches, cross-overs and connections. This right is granted subject in all respects to the provisions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company, and said company shall pay into the City Treasury the sum of fifty (50) dollars to pay for the printing of this Ordinance.

Approved the seventeenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting permission to the Twenty-second Street and Allegheny Avenue Passenger Railway Company and its Lessee, the Philadelphia Rapid Transit Company, to lay a double track railway on Tenth street, beginning at Erie avenue and connecting with the tracks on said Erie avenue northwardly to Lycoming avenue and westwardly to Old York road, connecting with the double tracks on Old York road, also a double track extension on Luzerne street and on Butler street from Tenth street to Old York road, connecting with the tracks on both of said streets, and to maintain and operate the overhead trolley system in connection therewith.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Twenty-second Street and Allegheny Avenue Passenger Railway Company and its Lessee, the Philadelphia Rapid Transit Company, be, and they are hereby authorized to construct a double

track railway on Tenth street, beginning at Erie avenue and connecting with the tracks on said Erie avenue northwardly to Lycoming avenue and westwardly to Old York road, connecting with the double tracks on Old York road; also a double track extension on Luzerne street and on Butler street from Tenth street to Old York road, connecting with the tracks on both of said streets, and to maintain and operate the overhead trolley system in connection therewith, with the right to construct and use all necessary curves, switches, crossovers and connections. This right is granted subject in all respects to the provisions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company; and the said Company shall pay into the City Treasury the sum of fifty (50) dollars to pay for the printing of this Ordinance.

Approved the seventeenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Department of Public Works to strike from their books all charges for water rent and penalties for the year 1911 against property No. 406 Wharton street occupied by the Jewish Consumptive Hospital.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Bureau of Water) be directed to strike from their books all charges and penalties for water rent for the year 1911 against property No. 406 Wharton street occupied by the Jewish Consumptive Hospital.

Approved this seventeenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of Huron and Telner streets and the intersection of Huron street, Telner street and St. Martins lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Huron street, between Mermaid lane and St. Martins lane; Telner street, between Emlen street and Huron street; and the intersection of St. Martins lane, Huron street and Telner street: *Provided*, That within one year from the approval of this ordinance the beds of Huron street, from Mermaid lane to St. Martins lane, and Telner street, from Emlen street to Huron street, be dedicated to the City.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan Daniel street, from Kingsley street to Washington lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to strike from the City plan Daniel street, from Kingsley street to Washington lane: *Provided*, That the owners of property on said street shall, within one year from the approval of this ordinance, file an agreement, satisfactory

to the City Solicitor, indemnifying the City from all damages by reason of the striking of said street from the plan.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the Department of Public Works to require owners of property abutting on both side of Crefeld street, from Springfield avenue to Willow Grove avenue; on the northwest side of Parkside avenue, from Bryn Mawr avenue to Monument road; on the east side of Fifty-second street, from Overbrook avenue to Woodbine avenue; and on both sides of Fifty-third street, from Wynnefield avenue to a point north of Woodbine avenue, to connect with the footways already laid, to set curbs and lay footway pavements.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby directed to require owners of property abutting on both sides of Crefeld street, from Springfield avenue to Willow Grove avenue; on the northwest side of Parkside avenue, from Bryn Mawr avenue to Monument road; on the east side of Fifty-second street, from Overbrook avenue to Woodbine avenue; and on both sides of Fifty-third street, from Wynnefield avenue to a point north of Woodbine avenue, to connect with the footways already laid, to set curbs and lay footway pavements; and if the said owners of property shall fail to lay such footways and set curbs, as required, after twenty days' previous notice, in writing, from the Department of Public Works to do the said work, the said Department is hereby

directed to cause said work to be done, the cost thereof to be assessed upon the property of such owner so in default.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Alter, Bonsall, Bucknell, Charlton, Church, Clymer, Delphine, Fairhill, Franklin, Helen, Latona, Livingstone, Manton, Nippon, Randolph, Reese and Ridley streets, and Lawnton and Wellens avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to place on the City plan Alter street, of the width of thirty feet, from Nineteenth to Twenty-fourth street, and from Twenty-sixth street east to the dead end; Bonsall street, of the width of thirty feet, from Oakford to Federal street; Bucknell street, of the width of forty feet, from Oakford to Federal street; Charlton street, of the width of forty feet, from Allens lane to Mt. Airy avenue; Church street, of the width as now opened and paved, from Front to Second street; Clymer street, of the width of twenty-five feet, from Fifteenth street east to dead end; Delphine street, of the width of forty feet, from Second to Fifth street; Fairhill street, of the width of thirty feet, from Glenwood avenue to the Pennsylvania Railroad; Franklin street, of the width of forty feet, from Lycoming street to Hunting Park avenue; Helen street, of the width of thirty-two and forty feet, from Venango street northward three hundred and nineteen feet; Latona street, of the width of thirty feet, from Twenty-seventh to Twenty-eighth street; Livingstone street, of

the width of thirty-five feet, from Lehigh avenue northeast two hundred and fifty-nine feet and six inches; Manton street, of the width of forty feet, from Twenty-second to Twenty-third street; Nippon street, of the width of forty feet, from Charlton street to Lincoln avenue; Randolph and Reese streets, each of the width of thirty feet, from Glenwood avenue to the Pennsylvania Railroad; Ridley street, of the width of fifty feet, from Wister street to Wyncote and Stenton avenues; Lawnton avenue, of the width of fifty feet, from Cheltenham avenue to Medary avenue; Wellens avenue, of the width of forty feet, from Second to Fifth street: *Provided*, That before said Charlton, Delphine, Franklin, Manton, Nippon and Ridley streets, Lawnton and Wellens avenues, shall be placed on the City plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing the said streets on the plan and their subsequent opening to the confirmed lines and grades; and before said Alter, Bonsall, Bucknell, Church, Clymer, Fairhill, Helen, Latona, Livingstone, Randolph, and Reese streets shall be placed on the City plan, satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that the said streets have been opened and used for a period of at least twenty-one years prior to May 3, 1909.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the grade of Forty-sixth street, from Aspen street to Brown street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the grade of Forty-sixth street, from Aspen street to Brown street.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

 AN ORDINANCE

To authorize the revision of the intersection of Johnson street and Wissahickon avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the lines and grades at the intersection of Johnson street and Wissahickon avenue: *Provided*, That the owners of property on the north corner of Johnson street and Wissahickon avenue, shall first dedicate to the City, within one year from the approval of this ordinance, the additional area of their ground required to widen the intersection at the north corner.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines of Clarion street,
from Wharton to Reed street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the lines of Clarion street, from Wharton to Reed street, in the Twenty-sixth Ward.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the paving of Bonsall, Camae, Cambridge, Delancey, Dickinson, Eleventh, Fifteenth, Fifty-fourth, Franklin, Judson, Locust, Ludlow, Markoe, Marvine, Media, Mercer, Ninth, Pike, Sixty-fifth, Twelfth, Twenty-third, Wolf, Ardleigh, Coral, Dexter, Seville, Ditman, Division, Howarth, Norwood, Pratt, Seventy-first, Sprague, Allengrove, Oakland and West Hortter streets, Buist, Windrim and Mt. Pleasant avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts with competent pavers for paving the following streets with the best quality of refined natural asphalt, viz.: Bonsall street, from Somerset to Cambria street; Camae street, from Windrim avenue to Lindley avenue; Cambridge street, from Tucker to Duncan street; Delancey street, from Fifty-ninth to Sixtieth street; Dickinson street, from Thirtieth to Thirty-third street; Eleventh street, from Lindley avenue to Duncannon avenue; Fif-

tenth street, from Fishers avenue to Somerville avenue;
 Fifty-fourth street, from Chester avenue to Springfield
 avenue; Franklin street, from Hunting Park avenue to
 Lycoming street; Judson street, from Somerset to Cambria
 street; Locust street, from Forty-seventh to Forty-eighth
 street; Ludlow street, from Forty-eighth to Forty-ninth
 street; Markoe street, from Walnut to Locust street; Mar-
 vine street, from Lindley avenue to Duncannon avenue;
 Media street, from Sixty-second to Sixty-third street;
 Mercer street, from Buckins to Lefevre street; Ninth
 street, from Pike to Luzerne street; Pike street, from
 Ninth to Tenth street; Sixty-fifth street, from Kingsessing
 avenue to Cobbs creek; Twelfth street, from Windrim ave-
 nue to Lindley avenue; Twenty-third street, from Snyder
 avenue to Jackson street; Wolf street, from Passyunk ave-
 nue to Twenty-third street; Buist avenue, from Sixty-fourth
 to Sixty-fifth street; Windrim avenue, from Duncannon
 avenue to Broad street. The following streets with vitri-
 fied fire clay or shale bricks or blocks, viz.: Ardleigh street,
 from Cheltenham avenue to Price street; Coral street, from
 Ontario to Tioga street; Dexter street, from Seville to
 Markle street, and Seville street, from Dexter street to
 Manayunk avenue; Ditman street, from Howarth to Pratt
 street; Division street, from Conrad street to about four
 hundred and ninety-three feet northeast; Howarth street,
 from Ditman street to Torresdale avenue; Norwood street,
 from Church lane to Godfrey avenue; Pratt street, from
 Ditman street to Torresdale avenue; Seventy-first street,
 from Saybrook avenue to Paschall avenue; Sprague street,
 from Mt. Pleasant avenue to Mt. Airy avenue; Mt. Pleas-
 ant avenue, from Sprague street north from Mt. Pleasant
 avenue to Sprague street south from Mt. Pleasant ave-
 nue; also, Allengrove street, from Oakland to Horrocks
 street, and Oakland street, from Harrison to Allengrove
 street with Filbertine, with vitrified brick gutters; West
 Hottel street, of the width between curb lines as
 physically opened, from Germantown avenue to Quiney
 street, with macadam, with brick gutters. The portion
 of work to be paid for by the City shall be taken from
 the item for intersections in the appropriation to the De-

partment of Public Works (Bureau of Highways). The conditions of the contracts shall be that the contractors shall collect the cost of paving from the owners of property respectively fronting on said streets, and shall enter into an obligation with the City to keep said streets in good repair for five years after the paving is finished: *Provided*, That said streets shall be first dedicated or properly opened, and that the Director of the Department of Public Works shall advertise for proposals for paving said streets and award the contracts to the lowest responsible bidders, and that the owners of property fronting on said streets shall not be charged more than the contract price.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit the Philadelphia, Baltimore and Washington Railroad Company (Central Division) to lay a siding on the southeast side of said railroad southeast of Hoffman avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Philadelphia, Baltimore and Washington Railroad Company be, and is hereby authorized to lay and maintain a railroad track or siding on the southeast side of said railroad, from the southeast side of Hoffman avenue, extended westwardly a distance of about four hundred and thirty feet into property of the Eagle Ice and Coal Company. Said siding shall be laid under the supervision of the Department of Public Works (Board of Highway Supervisors) and shall

be removed at any time upon the passage of an ordinance or resolution of Councils to that effect and without any recourse for damages against said City, either property, personal or otherwise: *Provided*, That the sum of fifty (50) dollars shall be first paid into the City Treasury for the publication of this ordinance.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Henry Bower Chemical Manufacturing Company to construct and maintain a track or siding along the easterly side of Stanley street, in front of its property in the Thirty-sixth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Henry Bower Chemical Manufacturing Company be, and is hereby authorized to construct and maintain a track or siding along the easterly side of Stanley street in front of its property in the Thirty-sixth Ward, as shown on plan on file in the Department of Public Works (Bureau of Surveys): *Provided*, That said track or siding shall be laid under the supervision of the Department of Public Works (Board of Highway Supervisors), and shall be removed upon the passage of an ordinance to that effect without any recourse against the City for damage either property, personal or otherwise: *And provided further*, That the sum of fifty (50) dollars shall be first paid into the City Treasury to pay for the publication of this ordinance.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Pennsylvania Railroad Company to construct, operate and maintain a track or siding to and into property of Wm. Cramp & Sons Ship and Engine Building Company at the intersection of Richmond and Dyott streets, in the Eighteenth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Pennsylvania Railroad Company be, and is hereby authorized to construct, operate and maintain a track or siding to and into property of Wm. Cramp & Sons Ship and Engine Building Company, at the intersection of Richmond and Dyott streets, in the Eighteenth Ward, as shown on plan on file in the Department of Public Works (Bureau of Surveys): *Provided*, That the said track or siding shall be laid under the supervision of the Department of Public Works (Board of Highway Supervisors) and shall be removed upon the passage of an ordinance to that effect, without any recourse against the City for damages either property, personal or otherwise: *And provided further*, That the sum of fifty (50) dollars shall first be paid into the City Treasury to pay for the publication of this ordinance.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To grant permission to the Spreckels Sugar Refining Company to lay a railroad track across Dickinson street at Meadow street, to connect the Baltimore and Ohio Railroad Company's tracks on Meadow street with the Spreckels Sugar Refining Company's tracks on Dickinson street above Meadow street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and

is hereby granted to Spreckels Sugar Refining Company to lay a railroad track across Dickinson street at Meadow street to connect the Baltimore and Ohio Railroad Company's tracks on Meadow street with the Spreckels Sugar Refining Company's tracks on Dickinson street above Meadow street: *Provided*, That the said tracks shall be laid under the supervision and direction of the Department of Public Works (Board of Highway Supervisors) and shall be removed upon the passage of an ordinance to that effect without expense to the City of Philadelphia and without any recourse for damage against said City, either property, personal, or otherwise, and that the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twentieth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Mayor, Coroner and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Mayor, Coroner and City Treasurer, for the year 1912, viz.: Department of Public Works (Bureau of Highways): From Item 2, for cleaning streets, etc., two thousand (2,000) dollars. City Treasurer: From Item 16, thirty-three thousand four hundred and forty-four

(33,444) dollars and seventy (70) cents (being a portion of the excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Public Education has paid in its proportion of the Sinking Fund charges), to the following:

Department of Public Safety (Bureau of City Property): To Item 74 (new), to purchase property for bath house purposes in the Forty-third Ward, four thousand eight hundred (4,800) dollars; to Item 75 (new), for expenses of certain alterations, repairs, fixtures, carpets, etc., needed in the rooms occupied by the Department of Law, five thousand (5,000) dollars.

Department of Public Works (Director's Office): To Item 1½ (new), to pay bills of the Underwood Typewriter Company for two machines, two hundred and eleven (211) dollars and fifty (50) cents. (Bureau of Highways): To Item 7, for incidentals, etc., one thousand (1,000) dollars; to Item 44 (new), to continue the surfacing with brick gutters, etc., of Prospect avenue, from Cemetery lane to Herschell road; and Southampton avenue, from Herschell road to Worthington road, seven thousand (7,000) dollars; to Item 45 (new), to macadamize Sixty-fifth avenue, from Sixth street to Eighth street, two thousand (2,000) dollars. (Bureau of Surveys): To Item 43 (new), for emergency repairs on Mill Creek sewer, six thousand (6,000) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 56 (new), to erect barn or barns for cattle at Byberry, eight thousand (8,000) dollars.

Department of Wharves, Docks and Ferries: To Item 33 (new), to pay claim of Samuel R. Sharp, Trustee of DeLorie & Stetser, bankrupt grocers, for goods and merchandise furnished to the Yacht "Eunomia," thirty-three (33) dollars and twenty (20) cents.

Mayor: To Item 19, for a safe and sane Fourth of July, one thousand (1,000) dollars.

Coroner: To Item 8, for maintenance of Morgue, including wages, four hundred (400) dollars.

I hereby approve this ordinance excepting the following item: Department of Public Works (Bureau of Highways), to Item 44 (new), to continue the surfacing with brick gutters, etc., of Prospect avenue, from Cemetery lane to Herschell road, and Southampton avenue, from Herschell road to Worthington road, seven thousand (7,000) dollars.

By reason thereof reducing the amount from City Treasurer, Item 16, from thirty-three thousand four hundred and forty-four dollars and seventy cents (\$33,444.70), to twenty-six thousand four hundred and forty-four dollars and seventy cents (\$26,444.70), (being a portion of the excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary, owing to the fact that the Board of Public Education has paid in its proportion of the Sinking Fund charges).

Approved the twenty-seventh day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To set aside the lots or premises numbered 2407, 2409, 2411, 2413, 2415 and 2417 South Broad street in the Thirty-ninth Ward of the City of Philadelphia, for the exclusive use of a branch of The Free Library of Philadelphia.

WHEREAS, The Trustees of The Free Library of Philadelphia recommend and approve the lots or premises numbered 2407, 2409, 2411, 2413, 2415 and 2417 South Broad street as a suitable site for one of the thirty branch libraries to be erected by the Trustees of The Free Library of Philadelphia under the terms of the gift of Andrew Carnegie, Esq., pursuant to the ordinance approved the eleventh day of January, 1904, and of the agreement made in pursuance thereof.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the lots or premises numbered 2407, 2409, 2411, 2413, 2415 and 2417 South Broad street, each eighteen (18) feet by eighty (80) feet, in the Thirty-ninth Ward of the City of Philadelphia, heretofore purchased for the erection and maintenance of a branch of The Free Library, under authority of the ordinance entitled "An Ordinance to authorize the purchase of the premises numbered 2407, 2409, 2411, 2413, 2415 and 2417 South Broad street, in the Thirty-ninth Ward of the City of Philadelphia, for Free Library purposes, and to make an appropriation therefor, approved the nineteenth day of June, 1911, be, and the same are hereby set aside for the exclusive use of a branch of The Free Library of Philadelphia under and according to the provisions of an ordinance of Councils for carrying into effect an offer of Andrew Carnegie, Esq., to provide branch library buildings for the City of Philadelphia, approved January 11, 1904, and of the agreement dated February 20, 1904, between the City of Philadelphia, of the one part, and the Board of Trustees of the Free Library of Philadelphia, of the other part, made in pursuance of the said ordinance of January 11, 1904."

Approved the twenty-seventh day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and direct the Director of the Department of Public Safety to draw, and the City Controller to countersign, a warrant to pay the Millard Construction Company twenty-six thousand two hundred and forty-two (26,242) dollars and seventy-seven (77) cents as final settlement for work done by said company on the Fairhill High Pressure Fire Service contract.

WHEREAS, In making up the estimate of work done by the Millard Construction Company at the time the former statement was presented to City Councils, upon which information payment was made to the above firm by ordinance of Councils approved November 28, 1911, certain material in transit which was later delivered on ground as well as other work already performed was omitted, and since the said statement was made the work as a whole has been carefully measured and calculated and the results show that the above firm is entitled to the sum stated for work actually performed and materials delivered and for which payment has not been made them. The above sum also includes three thousand and seventy (3,070) dollars and ninety-two (92) cents for watchmen, oil and lanterns furnished by the above company upon the authority of the Director of the Department of Public Safety in safe-guarding the public from accidents due to open trenches and pipe being distributed along the streets, from the time work was suspended (November 14, 1911, to January 19, 1912), after which time the work was performed by the Bureau of Water; also the sum of three thousand six hundred and sixty-two (3,662) dollars and forty-four (44) cents for emergency work in connecting the mill section service with the Race street Pumping Station, which it was essential to have done, and the said company, realizing the extreme necessity for the work, performed such service under direct instructions from the Director of the Department of Public Safety;

AND WHEREAS, The said Millard Construction Company is ready to abrogate and annul all contracts in connection with said work upon the payment of said amount; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety be authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the Millard Construction Company in the sum of twenty-six thousand two hundred and forty-two (26,242) dollars and seventy-seven (77) cents as a final

settlement for work done by said company on the Fairhill High Pressure Fire Service contract, payment to be made from 1912 Item 14-D (loan), Department of Public Safety (Bureau of Fire).

Approved the fifteenth day of August, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and direct the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant in favor of the Millard Construction Company for four thousand three hundred and sixteen (4,316) dollars and ninety-five (95) cents for work done and material furnished under Contract No. 154, Queen Lane Filters.

WHEREAS, In preparing the statement to City Councils upon which information payment was made the above firm by ordinance of Councils dated November 28, 1911, certain work done and materials furnished were omitted, and since the said statement was prepared the entire work has been carefully calculated and measured, and the final figures show that the Millard Construction Company is entitled to the sum noted for work actually performed and for materials furnished and for which payment has not been made them;

AND WHEREAS, The said Millard Construction Company is ready to abrogate and annul all contracts in connection with said work upon the payment of said amount; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the Millard Construction Company in the sum

of four thousand three hundred and sixteen (4,316) dollars and ninety-five (95) cents as a final settlement for work done and materials furnished under Contract No. 154, Queen Lane Filters, unaccounted for in original estimate, payment to be made from 1912 Item 23-C (loan), Department of Public Works (Bureau of Water).

Approved the fifteenth day of August, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan and vacate Pike street, between Tenth street and Old York road, and Eleventh street, between Erie avenue and Lycoming street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan and vacate Pike street, between Tenth street and Old York road, and Eleventh street, between Erie avenue and Lycoming street: *Provided*, That the Philadelphia Rapid Transit Company shall within one year from the approval of this ordinance, file an agreement, satisfactory to the City Solicitor, indemnifying the City from all damages by reason of the striking of said streets from the City plan and their vacation: *And further provided*, That within one year from the approval of this ordinance the following streets and portions of streets shall be dedicated to the City free of cost, viz.: Butler street, from the Richmond Branch of the Reading Railway to a point sixty feet west of Tenth street; the west half of Tenth street, from the south side of Luzerne street to Lycoming street; the southernmost thirty feet of the bed of Lycoming street, from Tenth street to a point about ninety feet east of Twelfth street: *And further provided*, That all claims now pending

against the City for the opening of Luzerne street, from Tenth street to Old York road, so far as they pertain to ground now or hereafter to be controlled by the Philadelphia Rapid Transit Company shall be released, and that all claims for damages by reason of the change of grade on the east side of Old York road, from Luzerne street to the Richmond Branch of the Reading Railway, shall also be released before this ordinance shall become effective.

Approved the third day of September, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit Drueding Bros. Co. to lay a water main, for fire purposes, on the north side of Master street, from Orkney to Sixth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and the same is hereby given to Drueding Bros. Co. to lay an eight-inch water main, for fire purposes, on the north side of Master street, from Orkney to Sixth street, to connect their factory building with their new warehouse. The said pipe to be used exclusively for pumping water for fire purposes, and shall be laid under the supervision and to the satisfaction of the Department of Public Works. Before exercising any privilege under this ordinance, the said Drueding Bros. Co. shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the laying and maintenance of said pipe, and to repave and keep in condition so much of the street paving as may be torn up, and agreeing to remove the said pipe at any time upon

the passage of an ordinance to that effect, and shall first pay the sum of fifty (50) dollars into the City Treasury for the publication of this ordinance.

Approved the nineteenth day of September, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To prohibit the erection of steps, railings or balconies beyond the building line of the streets or highways in a certain section of the City; declaring such projections to be a nuisance, and providing a penalty for the erection thereof, and providing for the collection of the cost of removal.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That from and after the passage of this ordinance, it shall be unlawful to erect any steps or railing, any portion of which projects beyond the building line, or any balcony which projects beyond the building line, unless the underside of such balcony shall be at least ten (10) feet above the sidewalk, in that section of the City lying between Vine street on the north, and Spruce street on the south, and the Delaware and Schuylkill rivers; these restrictions to apply to both sides of the streets named.

SECT. 2. Any person who shall construct or begin the construction of any steps, railing or balcony in violation of this ordinance shall forfeit and pay to the City of Philadelphia the sum of fifty (50) dollars for each offence, and shall be required to remove said steps, railing or balcony and replace the street in its proper condition.

SECT. 3. If the said person or persons shall neglect or refuse to remove such steps, railing or balcony and replace the street in proper condition, as set forth, within ten (10) days from the date of notice from the Depart-

ment of Public Works, then and in that case the said Department is hereby authorized and directed to have the said work done and the bill for same presented for payment to the owner or owners in front of whose properties said steps, railing or balcony is constructed, and in the event of said owner or owners refusing to pay said bill within ten (10) days from the date thereof, the contractor who did the work shall be paid out of the item for emergencies in the annual appropriation to the Bureau of Highways, and the bill shall be transmitted to the City Solicitor to collect by lien from the owner or owners against whom the work has been charged. The penalty herein mentioned shall be sued for and recovered in the manner as penalties for violation are by law sued for and recovered.

SECT. 4. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the nineteenth day of September, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Selecting and appropriating a certain piece of ground situated in the Thirty-sixth Ward for park and playground purposes.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That by virtue and in pursuance of the authority vested in them by the fourth section of an Act of Assembly approved May 13, 1857, they do select and appropriate for park and playground purposes all that certain lot or piece of ground situate on the north side of Shunk street (60 feet wide), at the distance of one hundred and thirty-eight (138) feet west from the west line of Twenty-eighth street (50 feet wide),

containing in front or breadth on the said Shunk street one hundred and seventeen (117) feet six and five-eighths ($6\frac{5}{8}$) inches and extending of that width northward, between parallel lines at right angles with said Shunk street, one hundred and seventy-seven (177) feet five (5) inches.

SECTION 2. That the City Solicitor is hereby directed to file in the Court of Quarter Sessions a petition on behalf of the City setting forth the ground herein appropriated to the end that said Court shall appoint a jury of viewers to assess the damages as provided by law.

Approved the nineteenth day of September, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Signifying the desire of the corporate authorities of the City of Philadelphia to increase the indebtedness of the said City in the sum of seven million (7,000,000) dollars for the construction of main and branch sewers, the erection of new bridges, the grading and paving of streets, resurfacing asphalt streets, improving country roads, repairs to streets, the improvement of the water supply of West Philadelphia, the acquisition of land for harbor improvement and the construction of wharves, etc., the improvement of South Delaware avenue, the acquisition of land and construction of buildings for the indigent and the treatment of contagious diseases, for fire apparatus, the erection of new and improvement of existing police and fire stations, the erection of a machine shop, the improvement of Fairmount and other parks, the payment of mandamuses, and for children's playgrounds.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it is the desire of

the corporate authorities of the City of Philadelphia, which desire is hereby signified, that the indebtedness of the said City shall be increased in the sum of seven million (7,000,000) dollars for the following purposes, to wit: For the construction of main sewers, four hundred thousand (400,000) dollars; for the construction of branch sewers, four hundred thousand (400,000) dollars; for the erection of new bridges, two hundred thousand (200,000) dollars; for grading streets, six hundred thousand (600,000) dollars; for paving intersections and in front of unassessable property, one hundred and fifty thousand (150,000) dollars; for resurfacing asphalt streets, five hundred thousand (500,000) dollars; for improving country roads, three hundred thousand (300,000) dollars; for repairs to streets, two hundred thousand (200,000) dollars; for the improvement of the water supply of West Philadelphia, three hundred thousand (300,000) dollars; for the acquisition of land for harbor improvements and the construction of wharves, etc., one million six hundred thousand (1,600,000) dollars; for the improvement of South Delaware avenue, two hundred and fifty thousand (250,000) dollars; for the acquisition of land and construction of buildings for the Philadelphia Hospital for Contagious Diseases and the Home for the Indigent, two hundred and fifty thousand (250,000) dollars; for the purchase of fire apparatus, one hundred thousand (100,000) dollars; for the erection of new and the improvement of existing police and fire stations, two hundred thousand (200,000) dollars; for the erection of a machine shop, fifty thousand (50,000) dollars; for the improvement of Fairmount and other parks, five hundred thousand (500,000) dollars; for the payment of mandamus, nine hundred thousand (900,000) dollars, and for children's playgrounds, one hundred thousand (100,000) dollars.

Approved the thirtieth day of September, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and provide for submitting to the vote of the electors the question of increasing the indebtedness of the City of Philadelphia in the sum of seven million (7,000,000) dollars for the construction of main and branch sewers, the erection of new bridges, the grading and paving of streets, resurfacing asphalt streets, improving country roads, repairs to streets, the improvement of the water supply of West Philadelphia, the acquisition of land for harbor improvement and the construction of wharves, etc., the improvement of South Delaware avenue, the acquisition of land and construction of buildings for the indigent and the treatment of contagious diseases, for fire apparatus, the erection of new and improvement of existing police and fire stations, the erection of a machine shop, the improvement of Fairmount and other parks, the payment of mandamuses, and for children's playgrounds; to fix the day for holding an election for the purpose of obtaining the assent of the electors to such increase, and to authorize the Mayor to give notice of such election by public advertisement.

WHEREAS, By ordinance approved the thirtieth day of September, 1912, the corporate authorities of the City of Philadelphia have signified their desire to increase the indebtedness of the said City in the sum of seven million (7,000,000) dollars, and for the purposes hereinafter set forth; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That for the purpose of obtaining the assent of the electors to the said increase of indebtedness in the sum of seven million (7,000,000) dollars for the following purposes, to wit: For the construction of main sewers, four hundred thousand (400,000) dollars; for the construction of branch sewers, four hundred thousand (400,000) dollars; for the erection of new bridges, two hundred thousand (200,000) dollars; for grading streets, six hundred thousand (600,000)

dollars; for paving intersections and in front of unassessable property, one hundred and fifty thousand (150,000) dollars; for resurfacing asphalt streets, five hundred thousand (500,000) dollars; for improving country roads, three hundred thousand (300,000) dollars; for repairs to streets, two hundred thousand (200,000) dollars; for the improvement of the water supply of West Philadelphia, three hundred thousand (300,000) dollars; for the acquisition of land for harbor improvements and the construction of wharves, etc., one million six hundred thousand (1,600,000) dollars; for the improvement of South Delaware avenue, two hundred and fifty thousand (250,000) dollars; for the acquisition of land and construction of buildings for the Philadelphia Hospital for Contagious Diseases and the Home for the Indigent, two hundred and fifty thousand (250,000) dollars; for the purchase of fire apparatus, one hundred thousand (100,000) dollars; for the erection of new and the improvement of existing police and fire stations, two hundred thousand (200,000) dollars; for the erection of a machine shop, fifty thousand (50,000) dollars; for the improvement of Fairmount and other parks, five hundred thousand (500,000) dollars; for the payment of mandamuses, nine hundred thousand (900,000) dollars; and for children's playgrounds, one hundred thousand (100,000) dollars; an election shall be held, in pursuance of law, at the usual places of holding elections, on the first Tuesday, to wit, the fifth day of November, 1912, between the hours of seven A. M. and seven P. M.; that notice of said election shall be given by the Mayor of the municipality, by weekly advertisements in not exceeding three newspapers of the said City during at least thirty days prior to the said election, which notice shall contain a statement of the amount of the last assessed valuation of the taxable property of the said City, the amount of the existing debt, the amount and percentage of the proposed increase, and the purposes for which the indebtedness is to be increased. And the City Commissioners are hereby authorized and directed to prepare and distribute the necessary ballots, ballot boxes and other articles, and to take such other action as may be required for the holding of such election, as provided

for in the laws of the State of Pennsylvania governing the increase of indebtedness of municipalities and the holding of elections therefor.

Approved the third day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the appointment of an Advisory Committee on Municipal Finances to consider the financial requirements of the City and to make such recommendations as they may deem proper for the consideration of Councils and the State Legislature, and directing the Clerks of Councils to submit this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That an Advisory Committee on Municipal Finances, to consist of the Chairman of the Committee on Finance of Councils, the Chairman of the Subcommittee on Appropriations of said Finance Committee, one member from each branch of Councils, to be appointed by the respective Presidents, together with Messrs. Charles C. Harrison, Samuel T. Bodine, Effingham B. Morris, Edward B. Smith, Charles S. W. Packard, George W. Norris and Morris L. Cooke, is hereby authorized and constituted to confer with his Honor the Mayor to consider the financial requirements of the City, both for operating and for capital account, the resources of the City, and the powers of the City in the premises, and to make such recommendations as shall meet with their approval for the consideration of Councils and for the consideration of the State Legislature if, in their judgment, legislation shall be necessary.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the fourth day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To change the location of electric lights in various wards.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Safety (Electrical Bureau) be, and is hereby authorized and directed to change the location of the following electric lights: From Penrose Ferry Road and Oregon avenue to Morris street, between Eighteenth and Nineteenth streets; from Penrose Ferry Road and Johnson street to Twenty-third and Morris streets; from Frankford avenue, north of Ashburner street, to Frankford avenue, about 300 feet north of Cottman street; from Nineteenth and Washington avenue to Clymer street, about 150 feet east of Twenty-first street, on pole now located.

Approved the fourteenth day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting permission to the Twenty-second street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to lay a single track railway on Carpenter street, from

the present terminus of its tracks at Wayne avenue east to Sherman street, north on Sherman street to Ellet street, west on Ellet street to Wayne avenue, and south on Wayne avenue to Carpenter street, connecting with the tracks on Wayne avenue, with all necessary and convenient curves, switches and connections, and to construct, maintain and operate the overhead trolley system in connection therewith.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, be, and they are hereby authorized to construct a single track railway on Carpenter street, beginning at Wayne avenue and connecting with the tracks on said Wayne avenue, eastwardly to Sherman street, northwardly on Sherman street to Ellet street, westwardly on Ellet street to Wayne avenue, and southwardly on Wayne avenue to Carpenter street, there connecting with the tracks on Wayne avenue, and to construct, maintain and operate the overhead trolley system in connection therewith, with the right to construct and use all necessary curves, switches, cross-overs and connections. This right is granted subject in all respects to the provisions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company, and the Company may construct the whole of this extension forthwith or parts thereof from time to time as the necessities of travel may require. And said Company shall pay into the City Treasury the sum of fifty (50) dollars to pay for the printing of this ordinance.

Approved the seventeenth day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Clementine, Ella and Overington streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Clementine street, of the width of twenty-five feet, from Twenty-ninth to Thirtieth street; Ella street, of the width of fifty feet, from Wyoming avenue to Courtland street; Overington street, of the width of forty feet, from Richmond to Allen street: *Provided*, That before said Clementine street shall be placed on the plan satisfactory evidence shall be furnished within one year from the approval of this ordinance, that said street has been opened and used for a period of at least twenty-one years; and before said Ella and Overington streets shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing the said streets on the plan and their subsequent opening to the confirmed lines and grades.

Approved the thirtieth day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of sewers in Ainslie, Fifty-eighth and Haddington streets and Ridge avenue, to be paid for out of the appropriation made from loan approved May 9, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the

Department of Public Works be authorized and directed to enter into contracts for the construction of the following sewers, viz.: Ainslie street, from Thirty-fourth to Thirty-fifth street; Fifty-eighth street, from Cobbs Creek Parkway to the Philadelphia and West Chester Railroad; Haddington street, from Fifty-ninth to Sixty-second street; Ridge avenue, from Roxborough avenue to Jamestown street. The cost of the said work chargeable to the City to be taken from Item 41E out of the appropriation from the loan approved May 9, 1912, to the Department of Public Works (Bureau of Surveys).

Approved the thirty-first day of October, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance to authorize the opening of Richmond street, from Bridge street to Kennedy street."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 1 of an ordinance entitled "An Ordinance to authorize the opening of Richmond street, from Bridge street to Kennedy street," approved March 16, 1911, which reads as follows:

"SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized and directed to notify the owners of property over and through which the following street will pass that at the expiration of three months from the date of said notice said street will be required for public use, viz.: Richmond street, for its full width, as now upon the confirmed City plan, from Bridge street to Brill street, the northwestern side of

Richmond street as laid out upon the confirmed City plan, from Brill street to the northeast side of Kennedy street."

be amended so as to read:

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized and directed to notify the owners of property over and through which the following street will pass that at the expiration of three months from the date of said notice said street will be required for public use, viz.: Richmond street of the width of fifty (50) feet, measuring twenty-five (25) feet on each side of the center line of said street as laid out upon the confirmed City plan of the width of sixty (60) feet, from Bridge street to Brill street, and the northwest side of Richmond street, measuring twenty-five (25) feet from the center line of said street as laid out upon the confirmed City plan of the width of sixty (60) feet, from Brill street to the northeast side of Kennedy street.

Approved the seventh day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Tulip street, from Erie avenue to Butler street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Tulip street, from Erie avenue to Butler street, will pass, that at the expiration of three months from the date of said notice

said street will be required for public use: *Provided*, That before the notices shall be issued for opening said street, an agreement or bond, satisfactory to the City Solicitor, shall be filed protecting the City from all damages for said opening.

SECT. 2. Upon the filing of the agreement or bond required in Section 1, the Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street. Upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the seventh day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Almond street, from Orthodox street to Lefevre street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Almond street, from Orthodox street to Lefevre street, will pass, that at the expiration of three months from the date of such notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street. Upon

the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the seventh day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Erie avenue, from Sepviva to Tulip street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Erie avenue, from Sepviva street to Tulip street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use: *Provided*, That before the notices shall be issued for opening said street, an agreement or bond, satisfactory to the City Solicitor, shall be filed protecting the City from all damages for said opening.

SECT. 2. Upon the filing of the agreement or bond required in Section 1, the Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street. Upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the seventh day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Health and Charities, Public Safety, City Commissioners, City Treasurer, Clerks of Councils, Board of Recreation and Law, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Health and Charities, Public Safety, City Commissioners, City Treasurer, Clerks of Councils, Board of Recreation and Law, for the year 1912, viz.: Department of Public Health and Charities (Bureau of Health): From Item 1, for salaries, seven hundred and fifty (750) dollars. City Commissioners: From Item 28, to pay Pennsylvania Reformatory, at Huntingdon, four thousand one hundred and ninety-eight (4,198) dollars and ninety-six (96) cents; from Item 41, for the expenses of primary election, nine thousand (9,000) dollars; from Item 46, to pay for special election, First Congressional District, one hundred and thirty-five (135) dollars and three (3) cents. City Treasurer: From Item 16, ten thousand three hundred and fourteen (10,314) dollars and twenty-six (26) cents (being a portion of the excess appropriation made to this item before the new School Code went into effect and now rendered unnecessary owing to the fact that the Board of Public Education has paid its proportion of the Sinking Fund charges). Clerks of Councils: From Item 7½, to pay Manufacturers' Appraisal Company, etc., fifty-five thousand nine hundred and seventy-two (55,972) dollars and nine (9) cents. Department of Law: From Item 1, for salaries, two thousand five hundred (2,500) dollars. Board of Recreation: From Item 3, for playground employees' salaries, twenty-five thousand five hundred and seventy-four (25,574) dollars and fifty-three (53) cents; to the following:

Department of Public Health and Charities (Director's Office): To Item 14, to pay Commonwealth of Penn-

sylvania for emergency tents used in smallpox outbreak, five hundred and sixteen (516) dollars; (Bureau of Health): To Item 1, for salaries, so as to pay salary of Chief Sanitary Inspector, at the rate of three thousand (3,000) dollars per annum, from October 1, seven hundred and fifty (750) dollars; (Bureau of Charities): To Item 28, for surgical instruments, etc., three thousand (3,000) dollars; to Item 60, for the erection of sewers and sewage disposal plants at Byberry, twenty-five thousand (25,000) dollars. Department of Public Safety (Director's Office): To Item 7, for the Association for the Protection of Colored Women, etc., one hundred (100) dollars. Department of Law: To Item 2, for Prothonotary's costs, etc., five hundred (500) dollars; to Item 8, for witness fees, two thousand (2,000) dollars. Board of Recreation: To Item 2, for stationery, printing, etc., one thousand (1,000) dollars; to Item 6, for repairs to buildings, etc., five thousand (5,000) dollars; to Item 11, for playground apparatus, etc., seven thousand five hundred (7,500) dollars. City Treasurer: To Item 18, Firemen's Pension Fund, two thousand (2,000) dollars; to Item 22, to provide for settlement with the Commonwealth for personal property tax collection, sixty-one thousand and seventy-eight (61,078) dollars and eighty-seven (87) cents.

Approved the eighth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Directing the City Solicitor to intervene as a party complainant in the matter of anthracite coal rates filed with the Pennsylvania State Railroad Commission, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be directed

to intervene as a party complainant, on behalf of the City of Philadelphia, in the petition of Harry E. Bellis, the Northwest, the Cohocksink and the Fortieth and Market Streets Business Men's Associations filed with the Pennsylvania State Railroad Commission against the Philadelphia and Reading Railway Company, the Pennsylvania Railroad Company, the Central Railroad of New Jersey, the Lehigh Valley Railroad Company and the Delaware, Lackawanna and Western Railroad Company in the matter of anthracite coal rates.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the eleventh day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

To approve lease of yard for the Bureau of Highways, and offices for the First Highway District and Twelfth Survey District, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, The ordinance approved May 23, 1878, requires the approval of Councils to all leases of property rented by any Department of the City; therefore,

Resolved, By the Select and Common Councils of the City of Philadelphia, That the lease of property in the rear of No. 58 East Haines street, from Cornelius and Ella F. Chadwick, for a yard, 80 feet by 129 feet, for the purpose of storing material, and other purposes in the conduct of the business of the Department of Public Works (Bureau of Highways), at a rental of thirty (30) dollars per month, be, and the same is hereby approved.

The said lease to date as of October 1, 1912. Also, that the lease for office in the First Highway District, premises first floor and yard of No. 108 South Fortieth street, at a rental of six hundred (600) dollars per annum, from the first day of November, 1912, for a period of fourteen (14) months, and the lease for office in the Twelfth Survey District, premises second floor and basement of No. 108 South Fortieth street, at a rental of six hundred (600) dollars per annum from the first day of November, 1912, for a period of fourteen (14) months, be approved.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twelfth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Commissioners of Fairmount Park, Inspectors of County Prisons, City Commissioners and Sheriff, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, City Commissioners, and Sheriff, for the year 1912, viz.: Department of Public Safety (Electrical Bureau): From Item 7E, for hauling, repairs and labor, etc., twenty-five thousand (25,000) dollars; from Item 10E, for laying underground conduits,

etc., eighteen thousand (18,000) dollars; from Item 15½ (loan), for permanent improvements, five hundred and four (504) dollars and thirty (30) cents. Inspectors of County Prisons (Reed Street): From Item 12, for presents to discharged prisoners, etc., fifty (50) dollars; from Item 22, for overwork of prisoners, one hundred and fifty (150) dollars; (Holmesburg): From Item 2, for beef, mutton, etc., two thousand (2,000) dollars; from Item 12, for presents to discharged prisoners, seventy (70) dollars; from Item 15, for fuel, one thousand five hundred (1,500) dollars; from Item 22, for overwork of prisoners, one hundred and fifty (150) dollars. City Commissioners: From Item 13, to pay registrars, twenty thousand (20,000) dollars; from Item 41, to pay primary election expenses, ten thousand (10,000) dollars; from Item 46, to pay for special election, First Congressional District, one thousand two hundred and sixty-four (1,264) dollars and ninety-seven (97) cents. Sheriff: From Item 1, for salary of First Special Deputy, six hundred and sixty-six (666) dollars and sixty-six (66) cents; from Item 8, for Sheriff's costs, three thousand nine hundred and eighty-three (3,983) dollars and thirty-two (32) cents; total, eighty-three thousand three hundred and thirty-nine (83,339) dollars and twenty-five (25) cents.

Department of Public Safety (Electrical Bureau): To Item 2E, for repairs, etc., fifteen thousand (15,000) dollars; to Item 8E, for use of current and labor, etc., four thousand (4,000) dollars; to Item 13E, for the improvement and extension of the incandescent electric lighting installation, etc., fourteen thousand (14,000) dollars; to Item 13½ (loan), for the improvement and extension of the incandescent electric lighting installation, etc., five hundred and four (504) dollars and thirty (30) cents; to Item 14E, for maintenance of City Hall elevator service, etc., ten thousand (10,000) dollars. Bureau of City Property: To Item 13, for labor and other expenses, etc., fifteen thousand (15,000) dollars; to Item 26¾, for books, book cases, carpets, etc., for furnishing Rooms 431 and 433, City Hall, one thousand five hundred (1,500) dollars. Department of Public Works (Bureau of Highways): To Item

46, for grading and macadamizing Schuyler street, from Queen lane to Hansberry street, six thousand (6,000) dollars. Department of Public Health and Charities (Bureau of Charities): To Item 47, for the erection of one steel tower with tank, etc., five thousand seven hundred and two (5,702) dollars and two (2) cents; to Item 56, to erect barn or barns for cattle at Byberry, sixty-two (62) dollars and ninety-five (95) cents. Commissioners of Fairmount Park: To Item 2, for incidentals, etc., eight hundred and forty (840) dollars; to Item 32 (new), for the pay, equipment and incidental expenses of twelve rangers for the protection of outlying parks, at the rate of sixty (60) dollars per month, from October 1, two thousand one hundred and sixty (2,160) dollars. Inspectors of County Prisons (Reed Street): To Item 6, for compressed yeast, fifty-five (55) dollars; to Item 19, for maintenance of electric light and steam heating plant, sixty-five (65) dollars; to Item 25, for traveling expenses for prison, eighty (80) dollars; (Holmesburg): To Item 14, for furniture, etc., two hundred (200) dollars; to Item 17, for repairs, improvements, etc., three thousand five hundred and twenty (3,520) dollars. Sheriff: To Item 1, so that the salary of the Personal Estate Deputy shall be at the rate of five thousand (5,000) dollars per annum, from November 1, in lieu of four thousand (4,000) dollars per annum, one hundred and sixty-six (166) dollars and sixty-six (66) cents; so that the salary of the Execution Clerk shall be at the rate of one thousand eight hundred (1,800) dollars per annum, from November 1, in lieu of one thousand five hundred (1,500) dollars per annum, fifty (50) dollars; total, two hundred and sixteen (216) dollars and sixty-six (66) cents; to Item 2, so that the salary of the Active Solicitor shall be at the rate of five thousand (5,000) dollars per annum, from November 1, in lieu of four thousand (4,000) dollars per annum, one hundred and sixty-six (166) dollars and sixty-six (66) cents; so that the salary of the stenographer and clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, from November 1, in lieu of one thousand two hundred (1,200) dollars

per annum, fifty (50) dollars; total, two hundred and sixteen (216) dollars and sixty-six (66) cents; to Item 3, for books, stationery, etc., three thousand (3,000) dollars; to Item 7, for expenses of writ serving, five hundred (500) dollars; to Item 9, for van service for County Prisons, etc., Superintendent of Court Service, at the rate of one thousand three hundred (1,300) dollars per annum, from November 1, two hundred and sixteen (216) dollars and sixty-six (66) cents; prisoners' elevator guard, at the rate of nine hundred (900) dollars per annum, from November 1, one hundred and fifty (150) dollars; repairs, one hundred and fifty (150) dollars; total, five hundred and sixteen (516) dollars and sixty-six (66) cents; to Item 12, for the conveyance of prisoners, etc., two hundred (200) dollars.

Approved the twelfth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To grant permission to The Curtis Publishing Company to construct and maintain a conduit and pipe under and across Sansom street, west of Sixth street, to connect its properties on the north and south sides of Sansom street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to The Curtis Publishing Company to construct and maintain a conduit and pipe under and across Sansom street, west of Sixth street, to connect its properties on the north and south sides of said street for the purpose of supplying light, heat and power to its properties. The work of constructing said conduit and pipe shall be done without interfering with any municipal or other structures and under and subject to the inspection of the Departments of Public Works and Public

Safety, and in accordance with plans to be approved by said Departments and the Board of Highway Supervisors: *Provided*, That the said conduit and pipe shall be used exclusively by the said The Curtis Publishing Company in the conduct of its business at said location, and that before exercising any privileges under this ordinance the said The Curtis Publishing Company shall first file an agreement and bond in the sum of one thousand (1,000) dollars, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the construction and maintenance of the said conduit and pipe, and agreeing to replace and maintain the pavement torn up by reason of said work in a manner satisfactory to the Department of Public Works, and shall pay into the City Treasury the sum of fifty (50) dollars for the publishing of this ordinance. The privilege hereby granted shall be revocable at any time upon the passage of an ordinance to that effect.

Approved the twelfth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Health and Charities, Mayor, City Treasurer, Coroner, Commissioners of Fairmount Park and Inspectors of County Prisons, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Health and Charities, Mayor, City Treasurer, Coroner, Commissioners of Fairmount Park and Inspectors of the County Prisons, for the year 1912, viz.: Department of Public Health

and Charities (Director's Office): From Item 12, for rental of steamboat for daily excursion of children of school age, ten thousand (10,000) dollars. Mayor: From Item 47, toward defraying the expenses of the International Congress of Navigation, twenty thousand (20,000) dollars; from Item 49, for incidental expenses connected with the Saengerfest, ten thousand (10,000) dollars. City Treasurer: From Item 16, twelve thousand eight hundred and seventy (12,870) dollars and forty-eight (48) cents (being a portion of the excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Public Education has paid in its proportion of the Sinking Fund charges); from Item 19, to report vital statistics, two thousand seven hundred and fifty (2,750) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 61, for storm water sewers for Home for the Indigent, fifteen thousand (15,000) dollars. Mayor: To Item 1 $\frac{1}{2}$, to pay bill of Dunlap Printing Company for the publication of the Philadelphia General Hospital Report for 1910, one thousand five hundred and twenty (1,520) dollars and forty-eight (48) cents; to Item 6, for advertising ordinances, five thousand (5,000) dollars; to Item 50, for the purchase of an oil painting of former Mayor John E. Reyburn, one thousand (1,000) dollars. Coroner: To Item 2, for printing, transportation, etc., two hundred (200) dollars; to Item 4, for exhuming, etc., four hundred (400) dollars; to Item 5, for jury fees, etc., two thousand (2,000) dollars. Commissioners of Fairmount Park: To Item 3, for maintenance, etc., twenty-five thousand (25,000) dollars. Inspectors of County Prisons (Reed Street): To Item 2, for beef, etc., five hundred (500) dollars; (Holmesburg): to Item 26, for hospital for prisoners afflicted with tuberculosis, five thousand (5,000) dollars.

Approved the twelfth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting assent to the Green and Coates Streets Philadelphia Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, to lay a single track with overhead trolley system, along the northeast side of Pennsylvania avenue, from Green street to Twenty-fifth street, connecting with present tracks at each end of the extension.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That consent be, and the same is hereby given to the Green and Coates Streets Philadelphia Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, to lay a single track on the northeasterly side of Pennsylvania avenue, from Green street to Twenty-fifth street, connecting at each end with the present tracks of the said Railway Company and to construct, maintain and use therewith the overhead trolley system together with all necessary curves and connections. This right is granted subject in all respects to the provisions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company; and the Philadelphia Rapid Transit Company shall pay into the City Treasury the sum of fifty (50) dollars to pay for printing this ordinance.

Approved the twelfth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners and City Treasurer, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners and City Treasurer, for the year 1912, viz.: Department of Public Works (Bureau of Lighting): from Item 2, for keep of horses, etc., three hundred (300) dollars. Department of Wharves, Docks and Ferries: From Item 1, for salaries, one thousand five hundred (1,500) dollars; from Item 12, for salaries of employees to prepare plans and specifications, etc., five hundred (500) dollars; from Item 15, for repairs to tug boats, etc., three thousand (3,000) dollars; from Item 16, for extending fire main from House of Correction grounds, etc., two hundred (200) dollars; from Item 18, for repairs to property, etc., twenty-one (21) dollars and fifteen (15) cents. City Commissioners: From Item 35, for expenses of division registrars, etc., five thousand (5,000) dollars. City Treasurer: From Item 15, for estimated interest, etc., thirty-seven thousand eight hundred and thirty-two (37,832) dollars and eighty-eight (88) cents; from Item 16, ninety thousand three hundred and thirty-six (90,336) dollars and twelve (12) cents (being a portion of the excess appropriation made to this item before the new School Code went into effect, and now rendered unnecessary owing to the fact that the Board of Public Education has paid in its proportion of the Sinking Fund charges); to the following:

Department of Public Works (Director's Office): To Item 8, for the investigation of the problem of improved transit facilities, etc., twenty-thousand (20,000) dollars; (Bureau of Highways): To Item 5, for advertising, etc., five hundred (500) dollars; to Item 7, for incidentals, etc., one thousand (1,000) dollars; to Item 22, for labor in repair to streets, etc., fifty thousand (50,000) dollars; to Item 37, for grading Moore street, from Twenty-fourth to Twenty-eighth street, one thousand eight hundred (1,800) dollars; (Bureau of Lighting): To Item

3, for postage, etc., three hundred (300) dollars. Department of Public Health and Charities (Bureau of Health): To Item 20, for the erection of a morgue and laboratory, Philadelphia Hospital for Contagious Diseases, thirty-two thousand (32,000) dollars. Department of Wharves, Docks and Ferries: To Item 4, for office and miscellaneous supplies, etc., five hundred (500) dollars; to Item 5, for repairs and alterations to City wharves, etc., four thousand seven hundred and twenty-one (4,721) dollars and fifteen (15) cents. Department of Supplies (Mayor): To Item 4, to the Board of the Philadelphia Museums, for coal, one thousand (1,000) dollars; for stationery, etc., three thousand (3,000) dollars; total, four thousand (4,000) dollars; to Item 4½, for coal used in Philadelphia Museums on account of the Department of Public Health and Charities, one thousand (1,000) dollars; (Highways): To Item 6, for lumber, sand, etc., five thousand (5,000) dollars. City Commissioners: To Item 1, to pay increase in salaries of tipstaves, three thousand one hundred and fifty (3,150) dollars; to Item 4, to pay witness fees, five hundred (500) dollars; to Item 15, for furnishing stationery, etc., five thousand (5,000) dollars; to Item 16, to pay assessors, four hundred and ninety-five (495) dollars; to Item 18, to pay for printing assessors' lists, etc., twenty-four (24) dollars; to Item 19, for rent of rooms in which elections are held, etc., one hundred and fifty (150) dollars; to Item 20, for postage, advertising, etc., two thousand five hundred (2,500) dollars; to Item 26, to pay Pennsylvania Society and Women's Pennsylvania Society for the Prevention of Cruelty to Animals, etc., two thousand five hundred (2,500) dollars; to Item 37, for extra clerk hire, Board of Registration Commissioners, etc., one thousand five hundred and fifty (1,550) dollars; to Item 39, to pay for the maintenance and instruction of children, etc., two thousand (2,000) dollars.

Approved the fourteenth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance to provide for a Bureau of Inspection of Passenger and Freight Elevators," approved the fifteenth day of April, A. D. 1908.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 19 of an ordinance entitled "An Ordinance to provide for a Bureau of Inspection of Passenger and Freight Elevators," approved the fifteenth day of April, A. D. 1908, be, and the same is hereby amended by striking out after the word "erected," on the first line thereof, the words "or re-erected," and inserting, in lieu thereof, the words "except the same be of the plunger type," so that the section as amended shall read, "All passenger elevators hereafter erected, except the same be of the plunger type, must be provided with air cushions."

Approved the twentieth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

To appoint a Joint Special Committee of five members from each Chamber to make preparations for an appropriate celebration of the dawn of the year 1913, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That a Joint Special Committee of five members from each Chamber shall be appointed for the purpose of making arrangements for an appropriate celebration of the dawn of the year 1913. The cost of the

same not to exceed the sum of five thousand (5,000) dollars, to be charged to the annual appropriation to the Clerks of Councils.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twenty-second day of November, A. D. 1912.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize a temporary loan of six hundred thousand (600,000) dollars for general municipal purposes, and to appropriate the same in the annual appropriations for the year 1912 to the Departments of Public Safety, Public Health and Charities and Public Works.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Treasurer, under the supervision of the Committee on Finance, be authorized to borrow, on the faith and credit of the City of Philadelphia, the sum of six hundred thousand (600,000) dollars for general municipal purposes. Said loan shall bear interest at a rate not exceeding four per cent. per annum, and shall be redeemable and payable at or within four months from its date, and for the sums so borrowed proper certificates shall be issued in the form prescribed by existing ordinances.

SECT. 2. The money raised from the proceeds of the loan authorized by this ordinance shall be, and the same is hereby appropriated to the following purposes in the annual appropriations for the year 1912, viz.: Department of Public Safety (Bureau of Police): To Item 1,

for salaries, four hundred and eight thousand nine hundred and sixty-nine (408,969) dollars; to Item 3, for miscellaneous expenses of van service, etc., eight hundred (800) dollars; to Item 4, for medical attendance, etc., one thousand five hundred (1,500) dollars. Electrical Bureau: To Item 2, for repairs, etc., ten thousand (10,000) dollars. Bureau of Building Inspection: To Item 3, for horse keep, etc., one thousand nine hundred and thirty-one (1,931) dollars. Bureau of Elevator Inspection: To Item 2, for stationery, etc., one hundred (100) dollars. Department of Public Health and Charities (Bureau of Charities): To Item 45, for the erection and equipment of sanatorium for tuberculosis for women at Byberry, twelve thousand (12,000) dollars; to Item 57, for the erection of a dormitory for female insane at Byberry, twenty-five thousand (25,000) dollars; to Item 58, for the improvement, equipment and maintenance of buildings on the Brown Farm, Forty-first Ward, so that they may be used by female indigents now in Blockley, ten thousand (10,000) dollars. Department of Public Works (Bureau of Highways): To Item 76, for sewerage, grading and macadamizing the south half of City Line, from Lancaster avenue to Sixty-ninth street, twenty-three thousand (23,000) dollars; to Item 77, for grading and macadamizing Castor road, from Oxford pike to Cottman street, twenty-six thousand seven hundred (26,700) dollars. Bureau of Water: To Item 32, to provide for the extension of the water system from Bustleton to Somerton, thirty thousand (30,000) dollars; to Item 33, for repairs to East Park Reservoir, twenty-five thousand (25,000) dollars. Bureau of Surveys, to Item 44, for the reconstruction of Mill Creek sewer at Forty-third street and Woodland avenue, twenty-five thousand (25,000) dollars.

Approved the twenty-second day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing and directing the Department of Public Safety (Electrical Bureau) to draw, and the City Controller to countersign, warrants for the payment of electric lights herein authorized.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That electric lights be located as follows: Second street, between Morris and Tasker streets; Second street, between Reed and Dickinson streets; Eleventh street and Washington avenue; Eleventh and Buttonwood streets; Seventeenth and Brown streets; Nineteenth and Shirley streets; Lehigh avenue and Emery street; Lehigh avenue and Edgemont street; Second street and Montgomery avenue; Frankford avenue, below Berks street; Marshall street, below Susquehanna avenue; Eleventh street, between Poplar street and Girard avenue; Eighth street, between Poplar street and Girard avenue; Ridge avenue and Dupont street; Ridge avenue, above Lyceum avenue; two (2), Bethlehem Pike, between Reading Railway and County Line; Bethlehem Pike, about 650 feet east of Germantown avenue; Wayne avenue, between Hansberry street and Manheim street; Wayne avenue, between Manheim and Seymour streets; Wayne avenue, between Seymour and Logan streets; Cheltenham avenue, between Baynton and Morton streets; Unity street, between Frankford avenue and Paul street; Harrison and Penn streets; Thirty-third and Cuthbert streets; Thirty-third and Cherry streets; Frankford avenue, south of Somerset street; Lehigh avenue and Livingston street; Lehigh avenue and Mercer street; Lehigh avenue and Richmond street; Thirteenth and Annu streets; Fifteenth and Alter streets; Thirty-first and Chestnut streets; Walnut street, between Thirty-third and Thirty-fourth streets; Chestnut street, between Thirty-ninth and Fortieth streets; Forty-fourth and Ludlow streets; Chestnut street, between Forty-third and Forty-fourth streets; Chestnut street, between Forty-fourth and Forty-fifth streets; Walnut street, between Forty third and Forty-

fourth streets; Thirty-third street, between York and Cumberland streets; Thirty-third street, between Cumberland and Huntingdon streets; Twenty-ninth and Oakdale streets; Thirty-first street, between Thompson and Master streets; Twenty-seventh and Stiles streets; Twenty-second and Kimball streets; Twentieth and Webster streets; Collins street, south of Lehigh avenue; two (2), Trenton avenue and Harold street; Uber street and Montgomery avenue; Woodstock street and Montgomery avenue; B street, between Ontario and Tioga streets; Second street and Hunting Park avenue; G street and Ontario street; Allegheny avenue, east of Fifth street; Allegheny avenue and American street; Fifty-eighth street and Lansdowne avenue; Fifty-ninth and Master streets; Fifty-seventh street and Hunters avenue; Second street pike and Northeast Boulevard; five (5), Castor road, above Arrott street; Twenty-third street and Passyunk avenue; Twenty-fifth street and Passyunk avenue; Snyder avenue, between Eighteenth and Nineteenth streets; Snyder avenue, between Nineteenth and Twentieth streets; Thirteenth and Tucker streets; Thirteenth and Hazzard streets; Westmoreland and Gratz streets; Twenty-seventh and Somerset streets; Twenty-eighth and Somerset streets; Hunting Park avenue and Clarissa street; Twelfth and Shunk streets; Fifty-ninth street and Springfield avenue; Fiftieth street and Florence avenue; Torresdale avenue and Levick streets; Frankford avenue, below Cottman street; Fishers lane and Ruscomb street; Fifth and Courtland streets; York road and Courtland street; Tenth street and Duncannon avenue; Eleventh street and Duncannon avenue; Windrim and Duncannon avenue; York road and Wyoming avenue; Girard avenue, east of Fiftieth street; Buckins and Edgemont streets; Chestnut street, between Forty-fifth and Forty-sixth streets; Walnut street, between Forty-fifth and Forty-sixth streets; Twenty-first street, between Columbia and Montgomery avenues; two (2), Foulkrod street, west of Castor road; Bensalem road, opposite Byberry road; Scott lane and Ridge avenue; Front street, between Oxford street and Columbia avenue; Marshall street, above Hunt-

ingdon street; Reese and Huntingdon streets; Thirtieth street, between Thompson and Master streets; Thirtieth and Cabot streets; Twenty-sixth street, above Jefferson street; Sergeant street, between Emerald and Coral streets; Amber street, south of Lehigh avenue; Mt. Airy avenue, east of Chew street; Hicks and Mifflin streets; Seventeenth street, between Wolf and Ritner streets; Bancroft street, between Mifflin and McKean streets; corner Eighth and Luzerne streets; Broad and Lycoming streets; Lehigh avenue, between Seventh and Eighth streets; Thirty-second street, above Ridge avenue; Sixty-second street and Grays avenue; Chester and Lindenwood avenues; Colorado street, between Carpenter street and Washington avenue; Nineteenth street and Washington avenue; Frankford avenue and Wells street; Frankford avenue, north of Ashburner street; Dittman and Cottman streets; Anderson street and Evergreen avenue; Fifth and Loudon streets; Fifth street and Wyoming avenue; North Darien street, south of Vine street; Coulter and Laurens streets; Sedgwick street and Germantown avenue; Monmouth and Almond streets; Venango street, west of Twenty-first street; Indiana avenue, west of Seventeenth street bridge; Belgrade street, between Montgomery and Berks streets; East Susquehanna avenue, between Gaul and Cedar streets; Earl street, below Girard avenue; Wolf street, between Eighteenth and Nineteenth streets; Twenty-second and Wolf streets; Twenty-second and Jackson streets; Ridge avenue and Kingsley street; Wilde and Dupont streets; Markle street, between Cresson and Terrace streets; corner Aramingo avenue and Clearfield street; Thirtieth and Wilder streets; Ridge avenue, below Thirtieth street; on Thirty-first street, north of Diamond street; Tioga and Helen streets; two (2) at Sixtieth street, Girard and Haverford avenues; Glenwood avenue, between Montgomery avenue and Berks street; Forty-eighth and Aspen streets; Haverford avenue and Vine street; Marshall street, between Dickinson and Tasker streets; Media street, east of Sixty-third street; Locust street, east of Fortieth street; Locust street, west of Fortieth street; Fifth and Pike streets; Fifty-ninth

street and Willows avenue; Thompson street, between Orthodox and Lefevre streets; Almond and Wilmot streets; McKean street, between Fourth and Fifth streets; Snyder avenue and Watts street; Fourth and Cantrell streets; Sartain street, between Mifflin and McKean streets; Warnock street, between Somerset and Cambria streets; Twelfth and William streets; Huntingdon and Jessup streets; I and Ontario streets; Fourth street, north of Somerset street; Naudain street, between Fifteenth and Sixteenth streets; Taney street, between Pine and Lombard streets; Sixty-fifth and Race streets; Baltimore avenue, east of Fifty-second street; Baltimore avenue, between Whitby avenue and Fifty-first street; Memphis street, north of Ann street; Glenwood avenue, between Nineteenth and Twentieth streets; Glenwood avenue, between Twentieth and Twenty-first streets; Twenty-fifth street, between Diamond and Norris streets; Summer street, between Seventeenth and Eighteenth streets; Eleventh and Cherry streets; Cherry street, between Twentieth and Twenty-first streets; Eighty-eighth street and Tini-cum avenue; Fifty-fourth and Yocum streets; Mifflin street, between Front and Second streets; Dudley street, between Sixth and Seventh streets; McKean street, between Eleventh and Twelfth streets; Cedar street, between Ann and Clearfield streets; Twenty-second and Webster streets; corner Shunk and Mole streets, to be paid for out of the unexpended balance in Items 9 and 9½ of the Annual Appropriations to the Department of Public Safety (Electrical Bureau) for the year 1912, and authorizing and directing the Department of Public Safety (Electrical Bureau) to draw, and the City Controller to countersign, warrants for the payment of electric lights herein authorized.

Approved the twenty-second day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, Civil Service Commission, City Treasurer and Board of Recreation, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, City Commissioners, Civil Service Commission, City Treasurer and Board of Recreation, for the year 1912, viz.: Department of Public Safety (Bureau of Fire): From Item 1, for salaries, five thousand five hundred and ninety-four (5,594) dollars and seventy-three (73) cents. Department of Public Works (Bureau of Surveys): From Item 4, for wages of employees, four thousand (4,000) dollars. Department of Public Health and Charities (Bureau of Health): From Item 1, for salaries, four thousand five hundred (4,500) dollars. Department of Supplies (Charities): From Item 14, for flour, etc., nine thousand (9,000) dollars; from Item 14E, for flour, etc., two thousand (2,000) dollars; from Item 17E, for milk and cream, fourteen thousand (14,000) dollars; from Item 18, for dry goods, etc., nine thousand (9,000) dollars; from Item 18E, for dry goods, etc., five thousand (5,000) dollars; from Item 25, for leather, etc., one thousand (1,000) dollars. Civil Service Commission: From Item 2, for salaries, one thousand two hundred and fifty (1,250) dollars. Board of Recreation: From Item 14, for resurfacing, etc., two thousand five hundred (2,500) dollars; to the following:

Department of Public Safety (Director's Office): To Item 3, for maintenance of automobile, five hundred (500) dollars; (Bureau of Fire): To Item 17, for the purchase of

automobile for veterinarian surgeon, one thousand (1,000) dollars. (Bureau of City Property): To Item 16½, to pay taxes for 1912 on Lazaretto property at Essington, three hundred and twenty-five (325) dollars.

Department of Public Works (Bureau of Highways): To Item 77, to pay for the curbing with granite curb and paving with cement the footway of The Happy Hollow Playground, on Wayne avenue, between Seymour street and Wyoming avenue, two thousand five hundred (2,500) dollars. (Bureau of Surveys): To Item 4, for rent, postage, etc., four thousand (4,000) dollars; to Item 43, to pay Robert Higgins balance due on his contract to reconstruct break in Mill creek sewer, two thousand five hundred and nineteen (2,519) dollars and seventy-three (73) cents.

Department of Public Health and Charities (Bureau of Health): To Item 3, for postage, etc., one thousand five hundred (1,500) dollars; to Item 6, for the abatement of nuisances, three thousand (3,000) dollars.

Department of Supplies (Charities): To Item 13E, for stationery, etc., five hundred (500) dollars; to Item 15, for meats and fish, nine thousand (9,000) dollars; to Item 15E, for meats and fish, fifteen thousand (15,000) dollars; to Item 16, for groceries, vegetables, etc., nine thousand (9,000) dollars; to Item 16E, for groceries, vegetables, etc., five thousand (5,000) dollars; to Item 19E, for furniture, etc., five hundred (500) dollars; to Item 22, for feed, etc., one thousand (1,000) dollars.

Civil Service Commission: To Item 3, for advertising, etc., five hundred and fifty (550) dollars; to Item 4, for equipment, etc., five hundred (500) dollars; to Item 5, for special or extra examiners, etc., two hundred (200) dollars.

City Commissioners: To Item 37, for clerk hire, Board of Registration Commissioners, so that the salary of the Recorder shall be at the rate of two thousand five hundred (2,500) dollars per annum, two hundred and fifty (250) dollars.

City Treasurer: To Item 26 (new), for stationery and

expenses incident to the sale of loans, one thousand (1,000) dollars.

Approved the twenty-ninth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Pennsylvania Salt Manufacturing Company to erect and maintain a structure over and across Weccacoe avenue, south of Shunk street, to carry pipes and cables to its plant on the west side of Weccacoe avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Pennsylvania Salt Manufacturing Company be, and is hereby authorized to erect and maintain a bridge or other suitable structure over Weccacoe avenue, from a point at or about the intersection of the south line of Shunk street with the east line of Weccacoe avenue; thence westerly extending over Weccacoe avenue in a single span at a height of not less than twenty feet to a point at or about the intersection of the south line of Shunk street with the west line of Weccacoe avenue; all necessary supports for said bridge or structure to be placed outside the lines of Weccacoe avenue, for the purpose of supporting and carrying the steam, air and water pipes and electric wires of said company to and from the various parts of its manufacturing plant. The work of constructing said bridge or structure shall be done without interfering with any municipal or other structures and under and subject to the inspection of the Departments of Public Works and Public Safety, and in accordance with plans to be approved by said Departments and the Board of Highway Supervisors: *Provided*, That the said bridge or structure shall be used exclusively by the said Pennsylvania Salt Manufacturing Company in the conduct of its business at said location, and that

before exercising any privileges under this ordinance the said Pennsylvania Salt Manufacturing Company shall enter into an agreement, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the erection and maintenance of said bridge or structure, and shall pay to the City Treasurer the sum of fifty (50) dollars for the printing of this ordinance: *And further provided*, That the said bridge or structure shall be removed upon the passage of an ordinance to that effect without any expense to the City of Philadelphia.

Approved the twenty-ninth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, City Commissioners and Receiver of Taxes, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, City Commissioners and Receiver of Taxes, for the year 1912, viz.: Department of Public Health and Charities (Bureau of Charities): From Item 1, for salaries, nine hundred and sixty-five (965) dollars; from Item 2, wages on pay roll, six hundred and fifty (650) dollars; from Item 3, wages, seven hundred (700) dollars; from Item 4, for burial cases, three hundred (300) dollars; from Item 6, for roasting coffee, one hundred (100) dollars; from Item 12, Indigent Department, for salaries, one hundred (100)

dollars; from Item 13, Philadelphia General Hospital, for salaries, five hundred (500) dollars; from Item 14, Philadelphia General Hospital, for wages on pay roll, two thousand (2,000) dollars; from Item 17, for fifty out-door physicians, etc., one thousand (1,000) dollars; from Item 19, for purchase of medicine, etc., three thousand (3,000) dollars; from Item 22, Insane Department, for salaries, eight hundred and fifty (850) dollars; from Item 25, for examination of insane cases, two hundred (200) dollars; from Item 36, for preparing card index, etc., two hundred and fifty-one (251) dollars; from Item 39, for salaries (Byberry), three thousand eight hundred (3,800) dollars; from Item 41, for installing automatic fire alarms, one hundred (100) dollars; from Item 52, for repairs to shoes, two hundred (200) dollars; from Item 55, for purchase of milk, etc., five hundred (500) dollars. City Commissioners: From Item 35, to pay registrars, five thousand two hundred (5,200) dollars, to the following:

Department of Public Safety (Bureau of Elevator Inspection): To Item 2, to pay Nellie M. Springer for stenographic services, between September 23d and November 9th, one hundred (100) dollars.

Department of Public Works (Bureau of Highways): To Item 42, for completing the macadamizing of Benner, Homestead and Craig streets, one thousand eight hundred (1,800) dollars.

Department of Public Health and Charities (Bureau of Health): To Item 4, for repairs to buildings, etc., four hundred (400) dollars; (Bureau of Charities): To Item 11, for labor on repairs to buildings, etc., during November and December, ten thousand five hundred and twenty-five (10,525) dollars: *Provided*, That the City Controller shall countersign no warrants for wages for any employees not on the roll November 1, 1912; to Item 27, for drugs, etc., one thousand five hundred (1,500) dollars; to Item 41½, for new boilers, etc., nine hundred and seventy-six (976) dollars.

City Commissioners: To Item 24, to pay extra help, one hundred (100) dollars; to Item 39, to pay for the

maintenance and instruction of children, etc., five thousand (5,000) dollars.

Receiver of Taxes: To Item 12, for the refunding of twice-paid, over-paid and paid-in-error water rents, etc., to pay to the owner of the property 2642 Dickinson street over-paid taxes for 1907, fifteen (15) dollars.

Approved the twenty-ninth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment of supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating eighty-four thousand eight hundred and ninety (84,890) dollars and eighty-seven (87) cents for supplies delivered under contract, between the awarding and the executing of the same, and chargeable against certain items, as follows: Department of Supplies: To Item 2, Bingham Company, for printed books, etc., two hundred and three (203) dollars and forty-five (45) cents; Remington Typewriter Company, for typewriter, etc., one hundred and eleven (111) dollars and twenty (20) cents; (Civil Service Commission): Item 5, Dunlap Printing Company, for printed blanks, etc., one hundred and ninety-three (193) dollars and twenty-one (21) cents; Bingham Company, for printing, etc., three hundred and nine (309) dollars and thirty-nine (39) cents; A. Anderman, for printing, etc., two hundred and eighty-nine (289) dollars and twenty-three (23) cents; Deemer & Jaisohn,

for paper, etc., thirty-two (32) dollars and sixty-one (61) cents; (Law): Item 6, A. Anderman, printing, etc., one hundred and fifty-four (154) dollars and sixty-eight (68) cents; Bingham Company, for printing, etc., three hundred and eighty-five (385) dollars and seventy-two (72) cents; Item 6E, Dunlap Printing Company, for paper books, etc., one thousand three hundred and fifteen (1,315) dollars and eighty-three (83) cents; (Taxes): Item 7, Clean Towel Supply Company, for towel service, seventy-five (75) dollars and seventy-two (72) cents; A. Anderman, for stationery, etc., four hundred and ninety-two (492) dollars and thirty-five (35) cents; (Health and Charities, Director's Office): Item 1, A. Anderman, for printed books, etc., one hundred and thirty-five (135) dollars and fifteen (15) cents; Item 1B, A. Anderman, for printed books, one hundred and thirty-two (132) dollars; (Health): Item 2, Dunlap Printing Company, for printing, etc., thirty-four (34) dollars and thirty-two (32) cents; Bingham Company, for printing, stationery, etc., one hundred (100) dollars and forty-seven (47) cents; A. Anderman, for stationery, etc., twenty (20) dollars and sixty-two (62) cents; John Wanamaker, for stationery, etc., twenty-two (22) dollars and forty-seven (47) cents; Item 2B, A. Anderman, for printing, etc., thirty-five (35) dollars and eighty-two (82) cents; Dunlap Printing Company, for printing, etc., thirty-nine (39) dollars and thirty-two (32) cents; Item 3, A. Anderman, for stationery, etc., thirty-four (34) dollars and fifty-one (51) cents; Dunlap Printing Company, for printing, etc., thirty-six (36) dollars and seventy-five (75) cents; Item 5, Pennsylvania Alcohol and Chemical Company, for formaldehyde, three thousand three hundred and sixty-six (3,366) dollars; A. Anderman, for gummed paper strips, one hundred and ten (110) dollars; Item 7, Textile Supply Company, for dry goods, etc., one thousand six hundred and seventy-one (1,671) dollars and eighty-seven (87) cents; F. T. Dunlap, for dry goods, etc., four hundred and fifty-nine (459) dollars and forty (40) cents; Jos. N. Snellenburg, for dry goods, etc., six hundred and three (603) dollars and seventy-three (73) cents; A. Anderman, for toilet paper, one hundred (100) dollars; Item

7E, Jos. N. Snellenburg, for dry goods, etc., one hundred and forty-two (142) dollars; Textile Supply Company, for clothing, etc., fifty-two (52) dollars and six (6) cents; Item 10, Dunlap Printing Company, for sputum boxes, twenty-five (25) dollars and nine (9) cents; (Charities): Item 14, The Fleischmann Company, for yeast, one hundred and forty-seven (147) dollars and fifty (50) cents; Alfred Lowry & Bro., for rolled oats, etc., four hundred and fifty-five (455) dollars and eighteen (18) cents; Item 15, Roesch Packing Company, for beef, twenty-one thousand and forty-nine (21,049) dollars and seventy-eight (78) cents; Item 16, John Kienzle, for potatoes, eight hundred and forty-four (844) dollars and ninety-seven (97) cents; Siegler & Swain, for cabbage, forty-nine (49) dollars and five (5) cents; American Ice Company, for ice, one thousand two hundred and seventy-five (1,275) dollars and twenty-three (23) cents; Armour & Company, for eggs, one thousand eight hundred and thirty-eight (1,838) dollars and four (4) cents; Item 16E, Philip Hoffman, for butter and eggs, two thousand eight hundred (2,800) dollars and ninety-seven (97) cents; Item 18, Textile Supply Company, for dry goods, clothing, etc., two thousand three hundred and eighty-six (2,386) dollars and twelve (12) cents; Item 20, Wm. C. Kirk & Co., for coal, seven thousand eight hundred and twelve (7,812) dollars and twenty-three (23) cents; Item 20E, Wm. C. Kirk & Company, for coal, three thousand two hundred and ninety-four (3,294) dollars and ninety-four (94) cents; Item 24, Loos & Dilworth, for oil and turpentine, six hundred and seventeen (617) dollars and seventy-six (76) cents; Charles Benton, for lumber, seventy-four (74) dollars; McArdle & Cooney, for pipe and fittings, seven hundred and forty-eight (748) dollars and eleven (11) cents; Item 24E, Loos & Dilworth, for oil and turpentine, two hundred and five (205) dollars and ninety-two (92) cents; McArdle & Cooney, for pipe and fittings, two hundred and sixty-five (265) dollars and thirty-six (36) cents; Item 25, Textile Supply Company, for wool filling, one hundred and seventy-seven (177) dollars and thirty-five (35) cents; (Police): Item 2, A. Anderman, for printing, etc., two hundred and nineteen (219) dol-

lars and forty-nine (49) cents; Remington Typewriter Company, for typewriter, etc., forty-nine (49) dollars and fifty-five (55) cents; Item 3, Chas. J. Field's Sons, for cuspidors, etc., sixty-seven (67) dollars and eighty-four (84) cents; Shoemaker & Busch, for soap, etc., two hundred and two (202) dollars and eight (8) cents; J. Tritsch & Company, for sponges, etc., one hundred and fifty-eight (158) dollars and fifty-nine (59) cents; Item 4, Shoemaker & Busch, for listerine, etc., seventy-four (74) dollars and ten (10) cents; Keim Supply Company, for harness, twenty-eight (28) dollars and ninety-four (94) cents; Item 5, J. B. Shannon Hardware Company, for globes, thirty (30) dollars; Chas. J. Field's Sons, for lanterns, one hundred and fifty-two (152) dollars and sixty-four (64) cents; Jos. N. Snellenburg, for batons, etc., two hundred and three (203) dollars and twenty-five (25) cents; Item 5B, Jos. N. Snellenburg, for tassels, etc., three hundred and seventy-nine (379) dollars and forty (40) cents; Item 5E, Chas. J. Field's Sons, for lanterns, fifty (50) dollars and eighty-eight (88) cents; Item 6, Wm. C. Kirk & Company, for coal, ninety-two (92) dollars and fifty-two (52) cents; Edward Connor, for coal, thirty-one (31) dollars and twenty-five (25) cents; John C. Hancock & Co., for coal, forty-four (44) dollars and sixty-five (65) cents; Item 6B, Robert Henderson & Co., for coal, seventeen (17) dollars and eighty-two (82) cents; American Ice Company, for coal, one hundred and twenty-four (124) dollars; Item 6E, Wm. C. Kirk & Company, for coal, one hundred and ninety-five (195) dollars and thirty-two (32) cents; W. C. Shipley, for coal, eighteen (18) dollars and seventy-two (72) cents; Item 7, J. B. Shannon Hdw. Co., for ladders, etc., eleven (11) dollars and forty (40) cents; J. Tritsch & Company, for polish, etc., forty-seven (47) dollars and eighty-two (82) cents; Union Petroleum Company, for oil, two hundred and forty (240) dollars and fifty-seven (57) cents; Shoemaker & Busch, for mops, etc., thirty-eight (38) dollars and fifty-four (54) cents; Chas. J. Field's Sons, for hardware, seventy-six (76) dollars and twenty-seven (27) cents; Item 7B, J. Tritsch & Company, for brooms, six-

teen (16) dollars and eighty (80) cents; J. B. Shannon Hdw. Co., for globes, etc., thirty-two (32) dollars and forty (40) cents; Shoemaker & Busch, for brushes, eleven (11) dollars and seventy-eight (78) cents; Union Petroleum Company, for oil, seventy-two (72) dollars and sixteen (16) cents; Item 8, Union Petroleum Co., for oil, eleven (11) dollars; J. B. Shannon Hdw. Co., for rope, etc., one hundred and seventeen (117) dollars and fifteen (15) cents; Chas. J. Field's Sons, for hardware, etc., thirty-seven (37) dollars and three (3) cents; Jos. N. Snellenburg, for mats, etc., twenty-two (22) dollars and eighty (80) cents; Item 8E, Union Petroleum Company, for oil, twenty (20) dollars and twenty-two (22) cents; J. B. Shannon Hdw. Co., for hooks, etc., forty (40) dollars and ninety-five (95) cents; Item 10, Chas. J. Field's Sons, for lanterns, twenty-six (26) dollars and ninety-two (92) cents; Samuel D. Lit, for bedding, etc., nineteen (19) dollars and twenty-four (24) cents; Item 12, Keim Supply Company, for harness, etc., four hundred and fifty-one (451) dollars and ninety-three (93) cents; Chas. J. Field's Sons, for shovels, etc., eleven (11) dollars and sixty-nine (69) cents; Shoemaker & Busch, for brushes, etc., twenty-eight (28) dollars and thirty-nine (39) cents; Item 12B, Keim Supply Company, for harness, etc., two hundred and nine (209) dollars and thirty (30) cents; Item 12E, Chas. J. Field's Sons, for lanterns, twenty-six (26) dollars and ninety-two (92) cents; Shoemaker & Busch, for brushes, ten (10) dollars and ninety-five (95) cents; Keim Supply Company, for harness, etc., one hundred and one (101) dollars and sixty (60) cents; Item 13, Samuel D. Lit, for furniture, etc., ninety-four (94) dollars; Jos. N. Snellenburg, for furniture, etc., one thousand four hundred and forty (1,440) dollars and fifty-two (52) cents; Chas. J. Field's Sons, for ice coolers, twenty-three (23) dollars and seventy (70) cents; John Wanamaker, for shades, etc., seventy-four (74) dollars and forty-nine (49) cents; Item 13E, Jos. N. Snellenburg, for carpet, eighty-seven (87) dollars and twenty-six (26) cents; Item 14, Samuel D. Lit, for tires, thirty-four (34) dollars and eighty (80) cents; (Correction): Item 16, Dunlap Printing Co., for printed blanks, sixty-

two (62) dollars and forty-five (45) cents; Item 17, The Fleischmann Co., for yeast, ninety-seven (97) dollars and fifty (50) cents; Kirk, Foster & Co., for groceries, one hundred (100) dollars and eighty (80) cents; Item 25, E. R. Tourison Company, for powder and fuse, five hundred and seventy (570) dollars; (Fire): Item 31, Dunlap Printing Co., for printing, etc., two hundred and twenty-six (226) dollars and ninety-nine (99) cents; Item 33, Chas. J. Field's Sons, for hardware, etc., one hundred and seventy-three (173) dollars and twenty-six (26) cents; Jas. Boyd & Bro., Inc., for castings, one hundred and seventy (170) dollars and twenty-nine (29) cents; G. H. Clamer, for castings, two hundred and sixty-five (265) dollars and twenty-four (24) cents; Item 33B, Chas. J. Field's Sons, for hardware, seventeen (17) dollars and nineteen (19) cents; Item 34, Shoemaker & Busch, for mops, etc., three hundred and eight (308) dollars and forty-seven (47) cents; J. B. Shannon Hdw. Co., for hardware, etc., fifty-three (53) dollars and nineteen (19) cents; Union Petroleum Company, for oil, two hundred and ninety-five (295) dollars and thirty-five (35) cents; Chas. J. Field's Sons, for hardware, etc., two hundred and nineteen (219) dollars and sixty-two (62) cents; Keim Supply Company, for harness, etc., two hundred and forty-seven (247) dollars and thirty (30) cents; John J. McGrath, for waste, three hundred and twenty-three (323) dollars and fifty-eight (58) cents; Keystone Lubricating Co., for grease, one hundred and twenty (120) dollars; Item 35, Smith & Holthaus, for coal, five hundred and seventy-seven (577) dollars and fifty-four (54) cents; John C. Hancock & Co., for coal, two hundred and two (202) dollars and fifteen (15) cents; Edward Connor, for coal, nine hundred and one (901) dollars; American Ice Company, for coal, ninety-six (96) dollars; Item 35E, Robert Henderson & Co., for coal, one thousand nine hundred and six (1,906) dollars and fifty-five (55) cents; Item 38, Keim Supply Company, for harness, etc., four hundred and fifty-seven (457) dollars and fifty-eight (58) cents; Item 41, Jos. N. Snellenburg, for bedsteads, etc., thirty-five (35) dollars and

eighty-two (82) cents; (Electrical): Item 50, Geo. B. Clopp, for box posts, ninety-seven (97) dollars and twenty (20) cents; (City Property): Item 64, Robt. Henderson & Co., for coal, twenty-nine (29) dollars and seventy (70) cents; (Highways): Item 2, Dunlap Printing Company, for printed books and blanks, two hundred and thirty-seven (237) dollars and twenty-nine (29) cents; A. Anderman, for printed books, blanks, etc., four hundred and seventy-four (474) dollars and forty-nine (49) cents; Bingham Company, for stationery, etc., sixty-two (62) dollars and eighty-three (83) cents; Item 4, J. Alfred Clark, for castings, two hundred and ninety-six (296) dollars and ninety (90) cents; Item 5, R. P. Bennis, for stone, one hundred and twenty-nine (129) dollars and eighty-two (82) cents; (Surveys): Item 10, Dunlap Printing Co., for printed books and blanks, sixty-five (65) dollars and sixty-eight (68) cents; J. H. Weil & Co., for ink, sixteen (16) dollars and fifty (50) cents; Keystone Blue Paper Co., for draughting material, twenty-three (23) dollars and fifty (50) cents; Item 10B, Underwood Typewriter Co., for typewriter, ninety-two (92) dollars and twenty-five (25) cents; Item 10E, Dunlap Printing Co., for printed blanks, etc., one hundred and ninety-one (191) dollars and eighty-four (84) cents; A. Anderman, for printed blanks, one hundred and thirty-four (134) dollars and eighty (80) cents; Underwood Typewriter Co., for typewriter, fifty-two (52) dollars and twenty-five (25) cents; Keystone Blue Paper Co., for draughting materials, one hundred and thirty (130) dollars and fifty-two (52) cents; Item 11, A. Anderman, for stationery, etc., thirty-nine (39) dollars and twenty-nine (29) cents; Williams, Brown & Earle, draughting materials, one hundred and seventy-three (173) dollars and sixty-three (63) cents; Bingham Company, for stationery, sixty-four (64) dollars and eighty-six (86) cents; Keystone Blue Paper Co., for draughting materials, three hundred and eighty-nine (389) dollars and nineteen (19) cents; J. H. Weil & Company, for draughting materials, three hundred and ninety-four (394) dollars and sixty-one (61) cents; F. Weber & Company, for draughting

materials, ninety-five (95) dollars and twenty-five (25) cents; Underwood Typewriter Co., for typewriter, etc., one hundred and two (102) dollars and fifty (50) cents; Item 11B, J. H. Weil & Company, for draughting materials, seventy-three (73) dollars and ten (10) cents; Item 11E, Williams, Brown & Earle, for draughting materials, thirty-eight (38) dollars and eighty (80) cents; Item 12, Dunlap Printing Co., for printed blanks, thirty-three (33) dollars; (Water): Item 14, A. Anderman, for printing, stationery, etc., three hundred and eighty-one (381) dollars and eighty (80) cents; John Wanamaker, for stationery, etc., thirty-seven (37) dollars and fifteen (15) cents; Item 14E, John Wanamaker, for stationery, etc., forty (40) dollars and fifty-eight (58) cents; Item 15, John C. Hancock & Co., for coal, thirty-nine (39) dollars and fifty (50) cents; Item 16, Keystone Lubricating Co., for grease, one thousand and sixty-six (1,066) dollars; Loos & Dilworth, for oil, one thousand five hundred and sixty (1,560) dollars and twenty-six (26) cents; Union Petroleum Co., for oil, four thousand six hundred and five (4,605) dollars and thirty-one (31) cents; N. Z. Graves Company, for paints, two hundred and seventy-one (271) dollars and forty-four (44) cents; Atlantic Refining Company, for oil, one thousand two hundred and seventy-four (1,274) dollars and twelve (12) cents; C. Hulbert & Company, for oil, one hundred and sixteen (116) dollars and four (4) cents; Commercial Lubricating Co., for grease, one hundred and ninety-seven (197) dollars and one (1) cent; Item 16E, Atlantic Refining Co., for oil, one hundred and thirty-two (132) dollars and forty-seven (47) cents; Commercial Lubricating Co., for grease, seventy-six (76) dollars and eighty-six (86) cents; Item 17, Donaldson Iron Co., for castings, one hundred and fifteen (115) dollars; Item 18, J. B. Shannon Hdw. Co., for hardware, etc., seven hundred and thirty-four (734) dollars and forty-six (46) cents; Hoopes & Townsend, for bolts, etc., two hundred and twenty-seven (227) dollars and seventy-two (72) cents; Item 20, F. T. Dunlap, for brushes, fifty-eight (58) dollars and eighty (80) cents; C. E. Schmidt, for

leather, one hundred and eighty-seven (187) dollars and fifty-three (53) cents; Pennsylvania Alcohol and Chemical Company, for borax, etc., forty-two (42) dollars; Item 21, John Maneely, for pipe fittings, one hundred and three (103) dollars and fifty-five (55) cents; Item 22, Richard C. Remmey, for bricks, etc., seventy-nine (79) dollars and eighty (80) cents; Item 23, John Maneely, for pipe fittings, three hundred and forty-three (343) dollars and seventeen (17) cents; Item 26E, David McMullin, Jr., for forage, four hundred and seventy-two (472) dollars and thirty-six (36) cents; Item 31, F. T. Dunlap, for blankets, etc., one hundred and eight (108) dollars and forty-five (45) cents; Keim Supply Co., for brushes, etc., ninety-four (94) dollars and forty-eight (48) cents; (Wharves, Docks and Ferries, Ice Boats): Item 4, J. B. Shannon Hdw. Co., for rope, one hundred and two (102) dollars and fifteen (15) cents; (Dredging Plant): Item 8, Delaware Ship Supply Company, for groceries, one hundred and eighty-four (184) dollars and eleven (11) cents; Bougher & Bishop, for groceries, two hundred and eighty-three (283) dollars and forty-one (41) cents; Item 10, J. B. Shannon Hdw. Co., for rope, etc., seven hundred and eighty (780) dollars and fifty-five (55) cents.

Approved the twenty-ninth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, certain warrants in payment of supplies heretofore furnished during the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and

the City Controller to countersign, certain warrants in payment of supplies heretofore furnished aggregating twenty-eight thousand seven hundred and thirty-five (28,735) dollars and ninety-five (95) cents, chargeable against certain items in the annual appropriations for the year 1912, viz.: Department of Supplies (Mayor): Item 3, Sidney J. Burgoyne, for letter heads, forty (40) dollars and sixty (60) cents; Item 3B, Remington Typewriter Co., for typewriter, etc., one hundred and fifty-six (156) dollars and seventy (70) cents; Underwood Typewriter Co., for typewriters, one hundred and eighty-four (184) dollars and fifty (50) cents; Sidney J. Burgoyne, for letter heads, fifty-four (54) dollars and fifty (50) cents; (Civil Service Commission): Item 5, Underwood Typewriter Co., for typewriter, one hundred and nineteen (119) dollars and twenty-five (25) cents; (Law): Item 6E, Remington Typewriter Co., for typewriter, eighty-one (81) dollars; (Health): Item 5, Shoemaker & Busch, for chloride of lime, one hundred and twenty (120) dollars; Item 6E, J. B. Leifried, for vegetables, fruit, etc., three thousand four hundred and fifty-five (3,455) dollars and six (6) cents; Item 7, Walker & Kepler, for electrical supplies, one hundred and thirty-five (135) dollars and thirty-three (33) cents; Philadelphia Electric Company, for electric lamps, one hundred and one (101) dollars and seventy-nine (79) cents; Moldower & Milgrim Co., for dresses, one hundred and eighty (180) dollars; Item 7E, Shoemaker & Busch, for varnish, etc., one hundred and forty-eight (148) dollars and sixty-nine (69) cents; Item 8, Union Petroleum Co., for gasoline, eighty-three (83) dollars and eighty-two (82) cents; Edward Connor, for coal, four thousand eight hundred and sixty-eight (4,868) dollars and fifty-eight (58) cents; (Charities): Item 13, Bingham Company, for stationery, seventy-two (72) dollars; Item 15, Roesch Packing Company, for beef, five thousand four hundred and fifty-seven (5,457) dollars and eighty (80) cents; Item 15B, Roesch Packing Co., for beef, two hundred and eleven (211) dollars and sixty-five (65) cents; Item 15E, Armour & Company, for beef, one thousand three hundred and eight

(1,308) dollars and forty-eight (48) cents; Item 16, Bougher & Bishop, for onions, one hundred and fifty-eight (158) dollars and twenty-one (21) cents; Simon & Dunlap, for vegetables, four hundred and one (401) dollars and forty (40) cents; C. H. Ringgold, for butter, two hundred and thirteen (213) dollars and fifty-nine (59) cents; Item 18, Blum Brothers, for flannel, three hundred and thirty-four (334) dollars and seventy-seven (77) cents; Item 20, Union Petroleum Company, for oil, eighty-four (84) dollars and forty-nine (49) cents; Item 21, Union Petroleum Co., for oil and gasoline, one hundred and sixty (160) dollars and fifty-eight (58) cents; Item 21E, Union Petroleum Co., for oil, eighty-five (85) dollars and sixteen (16) cents; Item 24, Geissel & Richardson, for lumber, five hundred and sixty (560) dollars and fifteen (15) cents; Fleck Brothers Co., for solder, etc., ninety-seven (97) dollars and ninety-two (92) cents; Knickerbocker Lime Co., for plaster, one hundred and five (105) dollars; Horace T. Potts & Company, for iron, seventy-nine (79) dollars and two (2) cents; Walter T. Bradley Co., for lime, etc., one hundred and four (104) dollars and fifty-three (53) cents; Item 25B, England, Walton & Company, for leather, three hundred and eighty-seven (387) dollars and fifty (50) cents; (Police): Item 3, Double Service Packing Company, for hose, one hundred and ten (110) dollars; Item 6B, Black Diamond Coal Co., for coal, twenty (20) dollars and twenty-five (25) cents; Item 7, Double Service Packing Company, for hose, one hundred and ten (110) dollars; Item 8, Quaker City Rubber Company, for hose, etc., one hundred and four (104) dollars and fifty (50) cents; Item 8B, C. Hulbert & Company, Inc., for oil, eighty-one (81) dollars and twelve (12) cents; Item 8E, C. Hulbert & Co., Inc., for oil, forty-two (42) dollars and twelve (12) cents; Item 12, Wm. H. Horstmann Co., for harness, etc., seventy (70) dollars and eight (8) cents; (Correction): Item 17, Philip Hoffman, for butter and eggs, two hundred and forty (240) dollars and seventy-five (75) cents; Item 19, E. A. Gimbel, for dry goods, etc., five hundred and forty-two (542) dollars and forty-eight (48) cents;

Textile Supply Company, for shoe laces, etc., one hundred and twenty (120) dollars and thirty-four (34) cents; Jos. N. Snellenburg, for muslin, etc., three hundred and sixty-seven (367) dollars and fifty (50) cents; F. T. Dunlap, for muslin, etc., five hundred and forty-six (546) dollars and ninety (90) cents; Item 19E, Textile Supply Company, for cloth, etc., five hundred and seventy-two (572) dollars and sixty-one (61) cents; F. T. Dunlap, for muslin, one hundred and eighty (180) dollars and thirty-six (36) cents; Item 20, Textile Supply Company, for combs, forty-three (43) dollars and seventy (70) cents; Eastburn & Co., for brooms, one hundred and fifty-seven (157) dollars and fifty (50) cents; Item 24, Jas. J. Quigley & Son, for tin, etc., ninety (90) dollars and twenty (20) cents; Textile Supply Co., for handles, thirty-one (31) dollars and sixty-eight (68) cents; Item 24E, Jas. J. Quigley & Son, for tin, etc., one hundred and forty-five (145) dollars and fifty (50) cents; Item 27, John Krentz, for gas lime, four hundred and eighteen (418) dollars and twenty-three (23) cents; Walter T. Bradley Co., for cement, etc., eighty-two (82) dollars and seventy-five (75) cents; Item 28, McArdle & Cooney, for pipe, ninety-one (91) dollars and ninety-three (93) cents; (Fire): Item 33, Jas. J. Quigley & Son, for coils, etc., one hundred and one (101) dollars and sixty-six (66) cents; Item 34E, Jacob Steinberg, for brushes, sixty-three (63) dollars and ninety (90) cents; Item 35, Walter C. Shipley, for coal, seventy-four (74) dollars and forty-three (43) cents; (Electrical): Item 43, Philadelphia Electric Company, for lamps, etc., three hundred and twenty-eight (328) dollars and eighty-eight (88) cents; Item 43E, Walker & Kepler, for pipe, one hundred and sixty-eight (168) dollars; Item 50, Pringle Electrical Mfg. Co., for junction boxes, one hundred and sixty (160) dollars; (Building Inspection): Item 54, A. Anderman, for printing, eighty-eight (88) dollars and ten (10) cents; Bingham Company, for books, etc., forty-nine (49) dollars and twelve (12) cents; Dunlap Printing Co., for books, etc., one hundred and twenty-five (125) dollars and forty-eight (48) cents; (City Property): Item

59, Mack Mfg. Co., for screenings, two hundred and sixty (260) dollars and fifty-three (53) cents; F. LeGierse, for top soil, etc., one hundred and thirty-one (131) dollars and seventy-five (75) cents; Item 67, Shoemaker & Busch, for polish, etc., ninety-five (95) dollars and twenty (20) cents; J. Tritsch & Company, for sponges, eighty-six (86) dollars and twenty-five (25) cents; Item 67E, Shoemaker & Busch, for mops, etc., fifty (50) dollars and ten (10) cents; J. Tritsch & Company, for sponges, thirty-four (34) dollars and fifty (50) cents; (Highways): Item 5, Mack Mfg. Co., for grit, one hundred and ninety-one (191) dollars and thirty-eight (38) cents; Item 7, Pure Oil Co., for oil, seventy (70) dollars; Mack Mfg. Co., for grit, one hundred and sixty-four (164) dollars and fifty-four (54) cents; (Water): Item 15, Smith & Holtzhaus, for coal, twenty-eight (28) dollars and forty-five (45) cents; Black Diamond Coal Company, for coal, sixty-five (65) dollars; Item 16, John C. Hancock & Co., for wood, twelve (12) dollars and ninety (90) cents; Item 16, Wm. J. Donohue & Co., for oil, ninety-seven (97) dollars and eighty (80) cents; Item 18, Seltzer-Klahr Hdw. Co., for hardware, one hundred and seventy (170) dollars and sixteen (16) cents; Item 19E, Walsh Packing Co., for packing, one hundred and twenty-two (122) dollars and sixty (60) cents; Item 20, Eastburn & Co., for brooms, one hundred and nineteen (119) dollars and seventy (70) cents; Item 23, G. H. Clamer, for castings, one thousand eight hundred and thirty-six (1,836) dollars and sixty-seven (67) cents; Item 25, Geissel & Richardson, for lumber, one hundred and twelve (112) dollars and forty-eight (48) cents; (Wharves, Docks and Ferries): Item 1, Bingham Company, for printing, etc., fifty-nine (59) dollars and ninety-one (91) cents; Item 10, Quaker City Rubber Co., for hose, seventy-five (75) dollars and twenty-five (25) cents; Loos & Dilworth, for turpentine, sixty-eight (68) dollars and sixty-four (64) cents.

Approved the twenty-ninth day of November, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Kensington Hospital for Women to construct a conduit under Fountain street, about eighty-five (85) feet east of Mascher street, to contain steam and water pipes as well as electric wires for the purpose of supplying the hospital.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Kensington Hospital for Women to construct and maintain a conduit one foot six inches high by three feet six inches wide in the clear, to contain steam and water pipes and electric wires under the surface of Fountain street, between the north and south curbs of the same, from a point about twenty-seven feet west of Waterloo street and eighty-five feet east of Mascher street, approximately, for the purpose of connecting the hospital property with the power house of said Kensington Hospital for Women, situate at the southwest corner of Fountain and Waterloo streets. The work of constructing said conduit shall be done without interfering with any municipal or other structure, and under and subject to the inspection of the Departments of Public Works and Public Safety, and in accordance with plans to be approved by said Departments and the Board of Highway Supervisors: *Provided*, That the said conduit shall be used exclusively by the said Kensington Hospital for Women in the conduct of its business at said location; and that before exercising any of the privileges granted in this ordinance, the said Kensington Hospital for Women shall give the City a bond for five hundred (500) dollars, the form thereof to be approved by the City Solicitor, conditioned that the said Kensington Hospital for Women shall faithfully comply with the provisions of this ordinance as well as other ordinances regulating like structures, and indemnify the City against all damage by reason of the construction and maintenance of the said conduit, and agree to pay any construction and lien charges thereon; and shall also pay into the City Treasury the

sum of fifty (50) dollars for the printing of this ordinance. The privilege hereby granted shall be revocable at any time upon the passage of an ordinance to that effect.

Approved the third day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the Department of Public Works to issue permits for breaking streets during the months of December, 1912, January and February, 1913, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That all ordinances which forbid or prevent the Department of Public Works from issuing permits or permitting the doing of work in any streets of the City during the winter months (from the first day of December, 1912, to the first day of March, 1913, following, or any other day or date) be, and the same are hereby suspended and declared to be inoperative, at the judgment and discretion of the Mayor and the Director of the Department of Public Works, during the winter months, to the end that the Department of Public Works, as far as possible, permit the carrying on or continuance of all classes of work in said Department which may give employment to our people.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the third day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Mifflin street, from Point Breeze avenue to Twenty-fourth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Mifflin street, from Point Breeze avenue to Twenty-fourth street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the third day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of the unopened portion of Webster street, from Sixty-second to Sixty-third street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which the unopened portion of Webster street, from Sixty-second to Sixty-third street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the fifth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water-pipe in A, Abigail, Benner, Cedar, Charlton, Crefeld, Duncannon, Eighty-second, Eighty-fourth, Elkhart, Felton, Fourth, Fifty-third, Franklin, Front, Jefferson, Leithgow, Madison, Orthodox, Overington, Palethorp, Potter, Stella, Twenty-third, Twenty-seventh, Wellens, Wittee and Wolf streets; Brewster, Eastwick, Lyons and Mount Airy avenues; Martins Mill road, and the Northeast Boulevard.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in A street, from Courtland street to Wyoming avenue; Abigail street, from Martha to Amber street; Benner street, from Cottage to Walker street; Cedar street, from Allegheny avenue to Madison street; Charlton street, from Mount Airy avenue to Allen lane; Crefeld street, from Willow Grove avenue to Lincoln avenue; Duncannon street, from Fifth to Sixth street; Eighty-second street, from Tinicum avenue to Brewster avenue; Eighty-fourth street, from Tinicum avenue to Gibson avenue; Elkhart street, from B to Ella street; Felton street, from Christian street to Walton avenue; Fourth street, from Northeast Boulevard to Rockland street; Fifty-third street, from Berks street to Montgomery avenue, and from Thomas avenue to

Whitby avenue; Franklin street, from Cayuga to Wingo-hocking street; Front street, from Erie avenue to Wingo-hocking street; Jefferson street, from Fifty-ninth to Sixtieth street; Leithgow street, from Northeast Boulevard to Rockland street; Madison street, from Cedar street to Aramingo avenue; Orthodox street, from Richmond to Garden street; Overington street, from Richmond to Allen street; Palethorp street, from Loudon street to Northeast Boulevard; Potter street, from I to Ontario street; Stella street, from B to Ella street; Twenty-third street, from Wolf street to Passyunk avenue; Twenty-seventh street, from Morris to Moore street; Wellens street, from Fourth to Fifth street; Wittee street, from Venango street to Erie avenue; Wolf street, from Twenty-third to Twenty-fourth street; Brewster avenue, from Island road to Seventy-fifth street; Eastwick avenue, from Island road to Eighty-seventh street; Lyons avenue, from Island road to Eighty-first street; Mt. Airy avenue, from Lincoln avenue to Charlton street; Martins Mill road, from Rising Sun avenue to H street; Northeast Boulevard, from Third to Lawrence street.

Approved the fifth day of December, A. D. 1912.

RUDOLPH BLANKENBURG.

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Bouvier, Franklin, Herbert, Mountain, Peach, Ruby, Retta, Rockland, Salem and Smedley streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to place on the City plan Bouvier street, of the width of thirty feet, from Ontario street northward two hundred and fifty feet to dead end; Franklin street, of the width of forty feet, from Tasker to Mountain street;

Herbert street, of the width of forty feet, from Salem to Cedar street; Mountain street, of the width of forty and forty-three feet, from Eighth to Beulah street; Peach and Ruby streets, each of the width of forty feet, from Warrington avenue to Florence avenue; Retta street, of the width of sixty feet, from Rochelle avenue to the Park line; Rockland street, of the width of fifty feet, from Bellfield avenue to Sixteenth street; Salem street, of the width of forty feet, from Foulkrod street to southwest side of the proposed Herbert street; Smedley street, of the width of fifty feet, from Rockland to Ruscomb street: *Provided*, That before said Bonvier, Mountain and Retta streets shall be placed on the City plan, satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that the said streets have been open and used for a period of at least twenty-one years; and before said Franklin, Peach, Ruby, Rockland, Salem and Smedley streets shall be placed on the City plan, the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing said streets on the plan and their subsequent opening to the confirmed lines and grades; and before the said Herbert street shall be placed on the plan, the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the same, excepting the bed of the present alleys, or indemnify the City against all damages or claims for damages which may arise from placing said street on the plan and its subsequent opening to the confirmed lines and grades: *And provided*, That the provisions of the ordinance approved April 8, 1890, requiring streets to run in a straight line, shall not apply to said Rockland street.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the ninth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Art Jury, for the year
1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four thousand nine hundred (4,900) dollars be, and the same is hereby appropriated to the Art Jury, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Assistant secretary, two thousand dollars....	\$2,000
Stenographer and typewriter, nine hundred dollars	900

Total, two thousand nine hundred dollars \$2,900

Item 2. *Services other than personal:*

(a) Transportation, hire of vehicles and traveling expenses, one hundred dollars.....	\$100
(b) Hotel expenses, one hundred and fifty dollars	150
(c) Postage, one hundred and fifty dollars.....	150
(d) Messenger service, one hundred dollars....	100
(e) Printing, one thousand dollars.....	1,000

Total, one thousand five hundred dollars \$1,500

Item 3. *Supplies:*

(a) Stationery, three hundred dollars.....	\$300
(b) Miscellaneous, one hundred dollars.....	100

Total, four hundred dollars \$400

Item 4. *Equipment:*

Books and periodicals for library, one hundred dollars	\$100
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And warrants shall be drawn by the President of the Art Jury in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Art Jury, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 53; nays, 27.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 8.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation towards the maintenance of the Pennsylvania Nautical School, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of thirty thousand (30,000) dollars be, and the same is hereby appropriated towards the maintenance of the Pennsylvania Nautical School, for the year 1913, and the City Controller is authorized to countersign warrants signed by the President and Secretary of the Board of Directors of the Nautical School appointed by the Governor of the Commonwealth and the Mayor of the City of Philadelphia, in accordance with the Act of Assembly approved April 19, 1889: *Provided*, That all warrants drawn and presented to the City Controller shall have the proper vouchers attached thereto: *Provided further*, That quarterly statements of the expenditures of the said Board of Directors for the maintenance of the said Nautical Schoolship shall be rendered to the Controller of the City of Philadelphia: *Provided*, Bills of December, 1912, be paid out of this appropriation.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Pennsylvania Nautical School, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 39; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Commissioners of the Sinking Fund, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of twenty-six thousand nine hundred (26,900) dollars be, and the same is hereby appropriated to the Commissioners of the Sinking Fund, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Secretary, one thousand eight hundred dollars \$1,800

Item 2. *Supplies:*

Stationery and incidentals, one hundred dollars \$100

FIXED CHARGES.

Item 3. Fire insurance fund, twenty-five thousand dollars \$25,000

And warrants shall be drawn by the Commissioners of the Sinking Fund in accordance with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Commissioners of the Sinking Fund, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 39; nays, 6.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Clerk of the Courts of Oyer and Terminer and Quarter Sessions, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of sixty-six thousand (66,000) dollars be, and the same is hereby

appropriated to the Clerk of the Courts of Oyer and Terminer and Quarter Sessions, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Clerk of Court, eight thousand dollars	\$8,000
Deputy clerk, three thousand five hundred dollars	3,500
Court clerk, 3 at \$3,000 each, nine thousand dollars	9,000
Assistant Court clerk, 3 at \$1,600 each, four thousand eight hundred dollars	4,800
Record clerk, one thousand five hundred dollars	1,500
License clerk, one thousand four hundred dollars	1,400
Fee clerk, one thousand four hundred dollars	1,400
Road clerk, one thousand four hundred dollars	1,400
Search clerk, one thousand two hundred dollars	1,200
Subpoena clerk, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Assistant license clerk, one thousand two hundred dollars	1,200
Assistant road clerk, one thousand two hundred dollars	1,200
Assistant record clerk, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Custodian of records, one thousand two hundred dollars	1,200
Miscellaneous clerks, 5 at \$1,200 each, six thousand dollars	6,000
Stenographer, one thousand two hundred dollars	1,200
Assistant custodian of records, one thousand dollars	1,000

Messenger, one thousand dollars	\$1,000
Extra clerk hire, one thousand dollars	1,000

Total, fifty-two thousand dollars..... \$52,000

Provided, That the amount appropriated in Item 1 shall be taken from the fees earned by the Clerk of said Courts.

Item 2. *Services other than personal:*

(a) Advertising: applications for liquor licenses, ten thousand dollars	\$10,000
(b) Advertising: applications for transfer of liquor licenses, one thousand five hundred dol- lars	1,500

Total, eleven thousand five hundred dol-
lars \$11,500

Item 3. *Supplies:*

(a) Books, blanks and stationery, two thousand dollars	\$2,000
(b) Incidentals, five hundred dollars	500

Total, two thousand five hundred dollars \$2,500

And warrants shall be drawn by the Clerk of the Courts of Oyer and Terminer and Quarter Sessions in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Clerk of the Courts of Oyer and Terminer and Quarter Sessions, for the year

1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Prothonotary of the Courts of Common Pleas, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-six thousand eight hundred and seventy (86,870) dollars be, and the same is hereby appropriated to the Prothonotary of the Courts of Common Pleas, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Prothonotary, ten thousand dollars	\$10,000
Deputy Prothonotary, three thousand five hundred dollars	3,500

Second deputy Prothonotary, two thousand one hundred dollars	\$2,100
Bond, fee clerk and bookkeeper, one thousand seven hundred dollars	1,700
Assistant bookkeeper, one thousand two hundred dollars	1,200
Cashier, one thousand five hundred dollars ...	1,500
Court clerks, 5 at \$2,500 each, twelve thousand five hundred dollars	12,500
Clerk to deputy Prothonotary, one thousand five hundred dollars	1,500
Appearance and State tax clerk, one thousand five hundred dollars	1,500
Miscellaneous clerk, one thousand five hundred dollars	1,500
Assistant clerk to deputy Prothonotary and State tax clerk, one thousand three hundred dollars	1,300
Assistant clerk to deputy Prothonotary, one thousand two hundred dollars	1,200
Appearance clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Writ clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Judgment clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Exemplification clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Lien clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Judgment search clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Locality search clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Chief clerk, one thousand two hundred dollars	1,200
Miscellaneous clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief custodian of records, one thousand two hundred dollars	1,200
Stenographer and clerk to Prothonotary, one thousand one hundred dollars	1,100

Assistant clerk to deputy Prothonotary, one thousand dollars	\$1,000
Appearance clerk, one thousand dollars	1,000
Exemplification clerk, one thousand dollars...	1,000
Miscellaneous clerks, 2 at \$1,000 each, two thousand dollars	2,000
Mechanics' lien clerk, one thousand dollars...	1,000
Assistant custodian of records, one thousand dollars	1,000
Mechanics' lien satisfaction clerk, nine hundred dollars	900
Assistant custodian of records, nine hundred dollars	900
Recording and certificate clerk, nine hundred dollars	900
Assistant custodian of records, 2 at \$800 each, one thousand six hundred dollars	1,600
Messenger, eight hundred dollars	800
Custodian of books, five hundred dollars	500
Janitor, seven hundred and twenty dollars....	720
Total, seventy-nine thousand one hundred and twenty dollars	\$79,120

Item 2. *Services other than personal:*

(a) Telephones, one hundred dollars	\$100
(b) Advertising bids, one hundred dollars	100
(c) Miscellaneous, cleaning, offices, etc., seven hundred and fifty dollars	750
Total, nine hundred and fifty dollars....	\$950

Item 3. *Supplies:*

(a) Stationery, two thousand dollars	\$2,000
(b) Miscellaneous supplies, two thousand five hundred dollars	2,500
Total, four thousand five hundred dollars ...	\$4,500

MAINTENANCE.

Item 4. *Services other than personal:*

(a) Printing, engraving, and rebinding books, one thousand dollars	\$1,000
(b) Rebinding old docket, one thousand dollars	1,000
Total, two thousand dollars	\$2,000

EQUIPMENT.

Item 5. Furniture and furnishings, three hundred dollars	\$300
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Provided, That the amount appropriated for salaries shall be taken from fees earned by the Prothonotary.

And warrants shall be drawn by the Prothonotary of the Courts of Common Pleas in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Prothonotary of the Courts of Common Pleas, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 6.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the

members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the District Attorney, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seventy-two thousand (72,000) dollars be, and the same is hereby appropriated to the District Attorney, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services.*

(a) Salaries:

District attorney, twelve thousand dollars....	\$12,000
First assistant district attorney, seven thousand five hundred dollars.....	7,500
Assistant district attorneys, 2 at \$5,000 each, ten thousand dollars.....	10,000
Assistant district attorneys, 3 at \$4,000 each, twelve thousand dollars.....	12,000
Assistant district attorneys, 2 at \$3,000 each, six thousand dollars	6,000
Indictment attorney, two thousand five hundred dollars	2,500
Indictment clerk, two thousand dollars.....	2,000
Fee clerk, one thousand one hundred dollars..	1,100

Legal stenographer, one thousand eight hundred dollars	\$1,800
Office clerks, 2 at \$1,200 each, two thousand four hundred dollars.....	2,400
Stenographer and clerk, one thousand dollars	1,000
Messenger, one thousand one hundred dollars..	1,100
Detective, one thousand seven hundred dollars	1,700
Detectives, 2 at \$1,500 each, three thousand dollars	3,000
Stenographers and typists, 2 at \$1,200 each, two thousand four hundred dollars.....	2,400
(b) Extra help, nine hundred and eighty dollars	980
(c) Experts for testimony, one thousand dollars	1,000
Total, sixty-eight thousand four hundred and eighty dollars.....	\$68,480

Item 2.—*Supplies.*

Miscellaneous supplies, three thousand five hundred and twenty dollars	\$3,520
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Provided, That the amounts appropriated for salaries shall be taken from fees earned by the District Attorney.

And warrants shall be drawn by the District Attorney in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the District Attorney, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 53; nays, 27.

And the said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 37; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Coroner, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of sixty-two thousand seven hundred and ninety (62,790) dollars be, and the same is hereby appropriated to the Coroner, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Coroner, eight thousand dollars	\$8,000
Deputy Coroner, two thousand five hundred dollars	2,500
Chief clerk, one thousand five hundred dollars	1,500
Assistant clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600

Physicians, 3 at \$2,500 each, seven thousand five hundred dollars	\$7,500
District deputies, 11 at \$1,200 each, thirteen thousand two hundred dollars	13,200
Stenographer and typewriter, nine hundred dollars	900
Detectives, 2 at \$1,500 each, three thousand dollars	3,000
Janitor, seven hundred and twenty dollars....	720
Superintendent of the Morgue, one thousand dollars	1,000
Assistant superintendent, with use of house, seven hundred and twenty dollars	720
Engineer, one thousand dollars	1,000
Helper, six hundred dollars	600
Janitor or cleaner service, six hundred dollars	600
(b) Jurors' fees, three thousand dollars	3,000
(c) Witness fees, eight hundred dollars	800
(d) Embalming bodies, one thousand dollars...	1,000
(e) Chemical analysis of bodies, one thousand five hundred dollars	1,500
Total, fifty-one thousand one hundred and forty dollars	\$51,140

Item 2. *Services other than personal:*

(a) Transportation of persons, one thousand four hundred and fifteen dollars	\$1,415
(b) Subsistence and care of two horses and wagons, eight hundred dollars	800
(c) Keep of horses or automobiles for physicians, 3 at \$500 each, one thousand five hundred dollars	1,500
(d) Keep of automobiles for Coroner and deputy Coroner, one thousand five hundred dollars ..	1,500
(e) Towel service, one hundred and fifty dollars	150
(f) Telegraph and telephone, two hundred and fifty dollars	250

(g) Postage, one thousand dollars.....	\$1,000
(h) Printing, four hundred and twenty-five dollars	425
(i) Advertising and publication of notices, one hundred and fifty dollars	150

Total, seven thousand one hundred and ninety dollars \$7,190

Item 3. *Supplies:*

(a) Stationery and office supplies, six hundred and sixty dollars	\$660
(b) Coal for the Morgue, one hundred and seventy dollars	170
(c) Mechanics' and engineers' supplies, thirty dollars	30
(d) Cleaning and toilet disinfectants and chemicals, two hundred dollars	200
(e) Special and miscellaneous, two hundred dollars	200
(f) Post-mortem materials, etc., two thousand dollars	2,000

Provided, That the City Controller may countersign warrants for post-mortem materials, without advertising, upon the approval of bills by the Coroner.

Total, three thousand two hundred and sixty dollars \$3,260

Item 4. *Equipment:*

Burial expenses for Potter's field burials, one thousand two hundred dollars	\$1,200
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Provided, That the amounts appropriated in Item 1, for Coroner, deputy Coroner and clerk shall be taken from fees earned by the Coroner.

And warrants shall be drawn by the Coroner in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Coroner, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 39; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Sheriff, for the year
1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That the sum of one hun-*

dred and thirty-one thousand eight hundred (131,800) dollars be, and the same is hereby appropriated to the Sheriff, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Sheriff, fifteen thousand dollars.....	\$15,000
Chief clerk and real estate deputy, six thousand dollars	6,000
Special deputy, three thousand dollars.....	3,000
Personal deputy, five thousand dollars.....	5,000
Clerk to real estate deputy, one thousand five hundred dollars	1,500
Execution clerk, one thousand eight hundred dollars	1,800
Appearance clerk, one thousand two hundred dollars	1,200
Assistant appearance clerk, one thousand dollars	1,000
Fee clerk, one thousand two hundred dollars..	1,200
Miscellaneous clerk, one thousand dollars....	1,000
Deputy sheriffs, 5 at \$1,500 each, seven thousand five hundred dollars.....	7,500
Clerks to deputy sheriffs, 5 at \$1,100 each, five thousand five hundred dollars.....	5,500
Quarter Sessions deputy, nine hundred dollars	900
Court deputies, 5 at \$100 each, five hundred dollars	500
Deputy sheriff, Orphans' Court, one hundred dollars	100

Provided, That the amount appropriated to Item 1 (a) shall be taken from the fees earned by the Sheriff.

(b) Solicitor, three thousand dollars.....	3,000
Active solicitor, five thousand dollars.....	5,000
Billposter, one thousand two hundred dollars	1,200
Custodian of books and records, eight hundred and forty dollars	840

Writ servers, 15 at \$900 each, thirteen thousand five hundred dollars	\$13,500
Auctioneer, six hundred dollars.....	600
Stenographer and auditor, one thousand five hundred dollars	1,500
Confidential clerk and stenographer, one thousand two hundred dollars.....	1,200
Messenger, seven hundred and twenty dollars	720
Janitor, seven hundred and twenty dollars...	720
Cleaner, six hundred dollars	600
Superintendent of Court service, one thousand three hundred dollars.....	1,300
Prisoners' elevator guard, nine hundred dollars	900
Guards for van service, 4 at \$900 each, three thousand six hundred dollars.....	3,600
Driver for van service, nine hundred dollars..	900
Custodian of prisoners, 3 at \$900 each, two thousand seven hundred dollars.....	2,700
Janitor of cell room, seven hundred and twenty dollars	720
(c) Extra clerks, four thousand nine hundred dollars	4,900
(d) Sheriff juries, two thousand five hundred dollars	2,500
Total, ninety-seven thousand six hundred dollars	\$97,600

Item 2. *Services other than personal:*

(a) Conveyance of prisoners, two thousand two hundred dollars	\$2,200
(b) For use and driver of van, two thousand dollars	2,000
(c) Expenses of writ service, three thousand dollars	3,000
(d) Keep of horses, seven hundred and fifty dollars	750
(e) Postage, four hundred dollars.....	400

(f) Preparation and advertising Sheriff's proclamations, five thousand dollars.....	\$5,000
(g) Printing and posting Sheriff's proclamations, one thousand five hundred dollars.....	1,500
(h) Sheriffs costs, advertising of City Sci. Fas., eleven thousand dollars.....	11,000
<i>Provided, The City Controller may countersign warrants on this item for bills, for the year 1912.</i>	
(i) Cost incident to City writs, two thousand dollars	2,000
Total, twenty-seven thousand eight hundred and fifty dollars.....	\$27,850

Item 3. *Supplies.*

(a) Stationery and books, three thousand dollars	\$3,000
(b) Uniforms for persons, five hundred and fifty dollars	550
(c) Miscellaneous, one thousand five hundred dollars	1,500
Total, five thousand and fifty dollars....	\$5,050

MAINTENANCE.

Item 4. *Services other than personal:*

(a) Repairs to van service, four hundred dollars	\$400
(b) Refurnishing offices, three hundred dollars.	300
(c) Cleaning offices, three hundred dollars.....	300
Total, one thousand dollars	\$1,000

CAPITAL OUTLAY.

Item 5. *Equipment:*

Horses, three hundred dollars.....	\$300
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And warrants shall be drawn by the Sheriff in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Sheriff, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 53; nays, 25.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 39; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Recorder of Deeds, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and fifty-six thousand three hundred and ten (256,310) dollars be, and the same is hereby appropriated to the Recorder of Deeds, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Recorder of Deeds, ten thousand dollars	\$10,000
Deputy Recorder of Deeds, four thousand dollars	4,000
Chief clerk, two thousand dollars	2,000
Bookkeeper, one thousand seven hundred and fifty dollars	1,750
Assistant bookkeeper, one thousand two hundred dollars	1,200
Chief search clerk, two thousand dollars	2,000
Mortgage search clerks, 3 at \$1,500 each, four thousand five hundred dollars	4,500
Conveyance search clerks, 2 at \$1,500 each, three thousand dollars	3,000
Chief deed index clerk, one thousand eight hundred dollars	1,800
Chief mortgage index clerk, one thousand eight hundred dollars	1,800
Assistant index clerks, 2 at \$1,500 each, three thousand dollars	3,000
Miscellaneous clerk, one thousand three hundred dollars	1,300
Miscellaneous clerks, 3 at \$1,500 each, four thousand five hundred dollars	4,500
Miscellaneous clerks, 5 at \$1,200 each, six thousand dollars	6,000
Superintendent transcribing room, one thousand six hundred dollars	1,600
Chief compare clerk, one thousand eight hundred dollars	1,800
Compare clerks, 4 at \$1,350 each, five thousand four hundred dollars	5,400
Assistant compare clerks, 2 at \$1,350 each, two thousand seven hundred dollars	2,700
Custodian of records, 2 at \$1,200 each, two thousand four hundred dollars	2,400

Special custodian of records, 3 at \$1,100 each, three thousand three hundred dollars	\$3,300
Assistant custodian of records, 3 at \$1,000 dol- lars each, three thousand dollars	3,000
Assistant custodian of records, 3 at \$900 each, two thousand seven hundred dollars	2,700
Stenographer and typewriter, one thousand two hundred dollars	1,200
Messenger, eight hundred dollars	800
Transcribers, 68 at \$1,200 each, eighty-one thousand six hundred dollars	81,600
Watchmen, 2 at \$800 each, one thousand six hundred dollars	1,600

Provided, That the amount appropriated in di-
vision (a) shall be taken from fees earned by the
Recorder of Deeds.

(b) Salaries:

Janitor, seven hundred and twenty dollars....	720
Assistant janitors, 2 at \$720 each, one thou- sand four hundred and forty dollars	1,440
Special clerks, 6 at \$1,200 each, seven thou- sand two hundred dollars	7,200
Assistant superintendent transcribing room, one thousand four hundred dollars	1,400
Recorder's transfer clerk, one thousand two hundred dollars	1,200
Temporary clerks, 25 at \$1,200 each, thirty thousand dollars	30,000
Additional temporary clerks, 26 at \$1,200 each, thirty-one thousand two hundred dollars...	31,200
Chief clerk copyist, one thousand four hundred dollars	1,400
Assistant clerks, 19 at \$1,200 each, twenty-two thousand eight hundred dollars	22,800

Total, two hundred and fifty-two thousand
three hundred and ten dollars\$252,310

Item 2. *Supplies:*

(a) Blank books, stationery, etc., three thousand dollars	\$3,000
(b) Miscellaneous, one thousand dollars	1,000
Total, four thousand dollars	\$4,000

And warrants shall be drawn by the Recorder of Deeds in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

—

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Recorder of Deeds, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 53; nays, 27.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 37; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Register of Wills, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-four thousand three hundred (84,300) dollars be, and the same is hereby appropriated to the Register of Wills, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Register of Wills and Clerk of Orphans' Court, five thousand dollars	\$5,000
Deputy register, two thousand five hundred dollars	2,500
Chief clerk, one thousand seven hundred dol- lars	1,700
Assistant chief clerk, one thousand six hundred dollars	1,600
Bookkeeper and cashier, one thousand five hun- dred dollars	1,500
Chief compare clerk, two thousand dollars....	2,000
Transcribing clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Miscellaneous clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief account clerk, one thousand five hun- dred dollars	1,500
Account clerks, 4 at \$1,200 each, four thousand eight hundred dollars	4,800
Recording clerks, 4 at \$1,200 each, four thou- sand eight hundred dollars	4,800
Inventory clerk, one thousand two hundred dol- lars	1,200
Index clerks, 3 at \$1,200 each, three thousand six hundred dollars	\$3,600

Compare clerks, 3 at \$1,200 each, three thousand six hundred dollars	\$3,600
Temporary clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Search clerk, one thousand two hundred dollars	1,200
Stenographer and typewriter, one thousand two hundred dollars	1,200
Custodian of records, 2 at \$1,000 each, two thousand dollars	2,000
Messenger, one thousand dollars	1,000
Janitor, six hundred dollars	600
First assistant clerk of Orphans' Court, three thousand five hundred dollars	3,500
Second assistant clerk of Orphans' Court, two thousand five hundred dollars	2,500
Third assistant clerk of Orphans' Court, one thousand eight hundred dollars	1,800
Assistant clerks of Orphans' Court, 12 at \$1,500 each, eighteen thousand dollars	18,000
Assistant clerk of Orphans' Court, one thousand two hundred dollars	1,200
Assistant clerk of Orphans' Court, one thousand dollars	1,000
Messenger and custodian of records, one thousand dollars	1,000
(b) Stenographic services, two thousand dollars.	2,000

Total, seventy-nine thousand two hundred dollars' \$79,200

Provided, That the amount appropriated to Item 1 (a) shall be taken from the fees earned by the Register of Wills.

Item 2. *Services other than personal:*

(a) Postage, two hundred and twenty-five dollars	\$225
(b) Advertising, fifty dollars	50
(c) Miscellaneous services, one hundred and eight dollars	108

(d) Miscellaneous services, five hundred dollars \$500

Total, eight hundred and eighty-three dollars \$883

Item 3. *Supplies:*

(a) Blank books, one thousand four hundred dollars \$1,400

(b) Blank forms and stationery, eight hundred and twenty-five dollars 825

(c) Cleaning and supplies, one hundred dollars.. 100

(d) Towels, twenty-five dollars 25

(e) Miscellaneous, one hundred dollars 100

Total, two thousand four hundred and fifty dollars \$2,450

Item 4. *Equipment:*

(a) Law books, six hundred dollars \$600

(b) Equipment, seven hundred dollars 700

Total, one thousand three hundred dollars \$1,300

Item 5. *Miscellaneous*, four hundred and sixty-seven dollars \$467

And warrants shall be drawn by the Register of Wills in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Register of Wills, for the year 1913," was returned by the Mayor to Com-

mon Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 39; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Department of Receiver of Taxes, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and sixty-five thousand eight hundred and ninety (265,890) dollars be, and the same is hereby appropriated to the Department of Receiver of Taxes, for the year 1913, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Receiver of Taxes, ten thousand dollars..... \$10,000

Chief clerk, three thousand dollars 3,000

Assistant chief clerk, one thousand six hundred dollars	\$1,600
Stenographer and confidential clerk, one thousand four hundred dollars	1,400
Janitors, 4 at \$720 each, two thousand eight hundred and eighty dollars	2,880
Watchman, six hundred dollars	600
Custodian of records and supplies, one thousand dollars	1,000
Total, twenty thousand four hundred and eighty dollars	\$20,480

RECEIPTS FOR CURRENT YEAR.

MAIN OFFICE.

ADMINISTRATION.

Item 2. *Personal services*

(a) Salaries:

Deputy receiver, two thousand dollars	\$2,000
Cashier, two thousand five hundred dollars...	2,500
Discount clerk, one thousand seven hundred dollars	1,700
Judicial sales clerk, one thousand four hundred dollars	1,400
Auditor and assistant cashier, one thousand five hundred dollars	1,500
Chief bill clerk, one thousand two hundred dollars	1,200
Bill clerks, 12 at \$1,100 each, thirteen thousand two hundred dollars	13,200
Chief registering clerk, one thousand two hundred dollars	1,200
Registering clerks, 11 at \$1,100 each. twelve thousand one hundred dollars	12,100
Messenger, one thousand two hundred dollars.	1,200
Assistant messenger, seven hundred and fifty dollars	750

(b) Extra clerks for emergency work, five thousand dollars	5,000
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- (c) For preparing duplicate copies of registered taxes for City Controller, five hundred dollars \$500

Total, forty-four thousand two hundred and fifty dollars \$44,250

Item 3. *Services other than personal:*

- (a) Transportation to visit and inspect 8 branch tax offices and 37 deputy collectors' offices, five hundred dollars \$500
- (b) Meals for regular employees on extra and night work, one thousand eight hundred dollars 1,800
- (c) Postage, three hundred dollars 300
- (d) Printing poll tax receipt books, two hundred and fifty dollars 250
- (e) Advertising, three hundred and fifty dollars 350

Total, three thousand two hundred dollars \$3,200

Item 4. *Supplies:*

- Miscellaneous and incidentals, three hundred dollars \$300

DISTRICT BRANCH OFFICES.

ADMINISTRATION.

Item 5. *Personal services:*

(a) Salaries:

- District receivers, 8 at \$2,500 each, twenty thousand dollars \$20,000
- Cashiers, 8 at \$1,800 each, fourteen thousand four hundred dollars 14,400
- Clerks, 24 at \$1,100 each, twenty-six thousand four hundred dollars 26,400
- Janitors, 8 at \$720 each, five thousand seven hundred and sixty dollars 5,760

Total, sixty-six thousand five hundred and sixty dollars \$66,560

Item 6. *Services other than personal:*

(a) Telephone, four hundred dollars	\$400
(b) Lighting, two hundred and sixty dollars	260
Total, six hundred and sixty dollars.....	\$660

Item 7. *Supplies:*

(a) Fuel, one hundred and forty dollars	\$140
(b) Miscellaneous and incidentals, two hundred dollars	200
Total, three hundred and forty dollars...	\$340

FIXED CHARGES.

Item 8. Rent of district offices, six thousand seven hundred and eighty dollars	\$6,780
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COLLECTION OF STATE TAXES.

ADMINISTRATION.

Item 9. *Personal services:*

(a) Salaries:

Receiving clerk, one thousand eight hundred dol- lars	\$1,800
Receiving clerk and assistant auditor, one thou- sand two hundred dollars	1,200
State tax registering clerks, 2 at \$1,000 each, two thousand dollars	2,000
Total, five thousand dollars	\$5,000

COLLECTION OF DELINQUENT TAXES.

ADMINISTRATION.

Item 10. *Personal services:*

(a) Salaries:

Chief deputy, two thousand five hundred dol- lars	\$2,500
Cashier, two thousand dollars	2,000

Lien clerk, one thousand eight hundred dollars	\$1,800
Assistant lien clerks, 7 at \$1,100 each, seven thousand seven hundred dollars	7,700
Auditors, including car fare and other transportation, 4 at \$1,500 each, six thousand dollars	6,000
Locality clerk, one thousand three hundred and twenty dollars	1,320
Registering clerk, one thousand two hundred dollars	1,200
Assistant registering clerk, one thousand one hundred dollars	1,100
Bill clerk, one thousand two hundred dollars..	1,200
Deputy collectors of delinquent taxes, 37 at \$1,200 each, forty-four thousand four hundred dollars	44,400
Miscellaneous clerk, one thousand one hundred dollars	1,100

Total, seventy thousand three hundred and twenty dollars \$70,320

Item 11. *Services other than personal:*

(a) Expenses of deputy collectors, 37 at \$200 each, seven thousand four hundred dollars...	\$7,400
(b) Advertising delinquent taxpayers, two thousand dollars	2,000

Total, nine thousand four hundred dollars \$9,400

COLLECTION OF WATER RENTS.

ADMINISTRATION.

Item 12. *Personal services:*

(a) Salaries:	
Chief clerk, two thousand dollars	\$2,000
Chief bill clerk, one thousand five hundred dollars	1,500
Cashier, one thousand seven hundred dollars..	1,700

Assistant cashier and lien clerk, one thousand three hundred dollars	\$1,300
Permit receiving clerk, one thousand four hundred dollars	1,400
Permit registering clerk, one thousand two hundred dollars	1,200
Search clerk, one thousand three hundred dollars	1,300
Chief registering clerk, one thousand two hundred dollars	1,200
Registering clerks, 5 at \$1,100 each, five thousand five hundred dollars	5,500
Entry clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
General clerks, 7 at \$1,000 each, seven thousand dollars	7,000
Messenger, nine hundred dollars	900

Total, twenty-seven thousand four hundred dollars \$27,400

MISCELLANEOUS.

Item 13. *Services other than personal:*

- (a) For refunding to overseers of the poor of Roxborough, poor tax collected in 1912, four thousand six hundred dollars
- (b) For refunding of twice paid, overpaid and paid in error water rents, water permits and pipe laying bills, three hundred dollars

Total, four thousand nine hundred dollars \$4,900

SEARCHES.

ADMINISTRATION.

Item 14. *Personal services:*

(a) Salaries:

Chief search clerk, one thousand five hundred dollars \$1,500

Assistant search clerks, 4 at \$1,200 each, four
thousand eight hundred dollars \$4,800

Total, six thousand three hundred dollars \$6,300

And warrants shall be drawn by the Receiver of Taxes in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Department of Receiver of Taxes, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 55; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Board of Revision of Taxes, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and eighty-nine thousand one hundred and thirty (289,130) dollars be, and the same is hereby appropriated to the Board of Revision of Taxes, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Members of Board of Revision, 3 at \$6,000 each, eighteen thousand dollars.....	\$18,000
Assessors, 70 at \$3,000 each, two hundred and ten thousand dollars.....	210,000
Chief clerk, two thousand five hundred dollars	2,500
Assistant chief clerk, two thousand dollars....	2,000
Registration clerk, two thousand dollars.....	2,000
Division and locality clerk, one thousand seven hundred dollars	1,700
Certificate clerk, one thousand five hundred dollars	1,500
Allowance clerk, one thousand eight hundred dollars	1,800
Special clerk, one thousand four hundred dollars	1,400
Miscellaneous clerks, 22 at \$1,200 each, twenty-six thousand four hundred dollars..	26,400
Stenographer and typewriter, nine hundred dollars	900
Janitors, 2 at \$720 each, one thousand four hundred and forty dollars	1,440
Doorkeeper, eight hundred and forty dollars..	840
General clerk, one thousand five hundred dollars	1,500

(b) Extra clerks, at \$75 per month each, seven thousand dollars	\$7,000
(c) Fees for furnishing abstract of recorded deeds, one thousand two hundred dollars....	1,200
Total, two hundred and eighty thousand one hundred and eighty dollars	\$280,180

Item 2. *Services other than personal:*

(a) Carriage hire for assessors, five hundred dollars	\$500
(b) Automobile and carriage hire for members of board, one thousand dollars.....	1,000
(c) Postage, telephone, etc., nine hundred dollars	900
(d) Printing, engraving, lithographing and binding, four thousand two hundred dollars.....	4,200
(e) Advertising and publication of notices, five hundred dollars	500
Total, seven thousand one hundred dollars	\$7,100

Item 3. *Supplies:*

(a) Stationery, eight hundred dollars.....	\$800
(b) Cleaning and toilet supplies, three hundred dollars	300
(c) Incidentals, three hundred dollars.....	300
Total, one thousand four hundred dollars	\$1,400

CAPITAL OUTLAY.

Item 4. <i>Addition to maps, atlases, etc., four hundred and fifty dollars.....</i>	\$450
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Provided, That when binding shall be required, payment for which is taken from Item 2 (d), the said Board be authorized to invite proposals from not less than five responsible parties, known to be engaged in the business, and to award the contract to the lowest bidder, with the approval of the Committee on Finance, and that the

schedule of the bids received, and the award of the contract made, with a copy of the request of such bids, certified by the Committee on Finance, shall be sent to the City Controller before he shall sign any warrants for binding.

And warrants shall be drawn by the Board of Revision of Taxes in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Board of Revision of Taxes, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 56; nays, 24.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 36; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Civil Service Commission, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of forty-six thousand and fifty (\$46,050) dollars be, and the same is hereby appropriated to the Civil Service Commission, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

President, five thousand dollars.....	\$5,000
Commissioners, 2 at \$3,000 each, six thousand dollars	6,000
Office manager and chief clerk, two thousand four hundred dollars.....	2,400
Clerk or stenographer, one thousand two hundred dollars	1,200
Clerks or stenographers, 2 at \$1,100 each, two thousand two hundred dollars.....	2,200
Clerks or stenographers, 4 at \$1,000 each, four thousand dollars.....	4,000
Clerk or stenographer, nine hundred dollars..	900
Clerks or stenographers, 3 at \$720 each, two thousand one hundred and sixty dollars...	2,160
Investigator, one thousand two hundred dollars	1,200
Chief civil service examiner, two thousand four hundred dollars	2,400
Assistant examiners, 4 at \$1,800 each, seven thousand two hundred dollars.....	7,200
Medical examiner, one thousand six hundred dollars	1,600
Assistant medical examiner, nine hundred dollars	900
Keeper of records, one thousand one hundred dollars	1,100

Clerks or stenographers, 2 at \$900 each, one thousand eight hundred dollars	\$1,800
Messenger and janitor, seven hundred and twenty dollars	720
Cleaners, 2 at \$360 each, seven hundred and twenty dollars	720
(b) Extra examiners, seven hundred and fifty dollars	750
(c) Monitors, four hundred and fifty dollars	450
(d) Special examiners, two hundred and twenty-five dollars	225
(e) Expert services, seventy-five dollars	75

Total, forty-three thousand dollars \$43,000

Item 2. *Services other than personal:*

(a) Transportation of persons, one hundred dollars	\$100
(b) Subsistence of persons, one hundred dollars	100
(c) Communication service, nine hundred dollars	900
(d) Advertising, three hundred and fifty dollars	350

Total, one thousand four hundred and fifty dollars \$1,450

Item 3. *Supplies:*

(a) Cleaning and toilet, fifty dollars	\$50
(b) Uniforms, fifty dollars	50
(c) Miscellaneous, fifty dollars	50

Total, one hundred and fifty dollars \$150

MAINTENANCE.

Item 4. <i>Repairs and alterations</i> , one hundred dollars	\$100
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CAPITAL OUTLAY.

Item 5. *Equipment:*

(a) Apparatus, two hundred dollars	\$200
(b) Furniture, three hundred and fifty dollars	350

(c) Library, four hundred and fifty dollars....	\$450
(d) Office fittings, three hundred and fifty dollars	350
Total, one thousand three hundred and fifty dollars	\$1,350

And warrants shall be drawn by the President of the Civil Service Commission in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Civil Service Commission, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 6.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Clerks of Councils,
for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of ninety-seven thousand one hundred and thirty-one(97,131) dollars be, and the same is hereby appropriated to the Clerks of Councils, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

Select Council:

(a) Salaries:

Chief clerk, four thousand dollars	\$4,000
Assistant clerk and index clerk, two thousand seven hundred and fifty dollars	2,750
Sergeant-at-Arms, three thousand dollars	3,000
Stenographer and typewriter, one thousand five hundred dollars	1,500
Assistant stenographer and typewriter, one thousand two hundred dollars	1,200
Clerk to Committees on Law, City Property and Steam Railroads, one thousand four hundred dollars	1,400
Doorkeeper, three hundred dollars	300
Messenger, one thousand two hundred dollars.	1,200
Janitor, nine hundred dollars	900
Office boy, four hundred and eighty dollars ...	480
Cleaners, 2 at \$540 each, one thousand and eighty dollars	1,080
Page, one hundred dollars	100

(b) For compiling the Manual and Diary for the members of Councils, four hundred dollars... 400

Common Council:

(c) Salaries:

Chief clerk, four thousand dollars	\$4,000
Assistant clerk and Journal clerk, two thousand seven hundred and fifty dollars	2,750
Committee clerk, three thousand dollars	3,000
Assistant Journal and index clerk, two thousand five hundred dollars	2,500
Secretary, Finance Committee, three thousand dollars	3,000
Sergeant-at-Arms, three thousand dollars	3,000
Stenographer and typewriter, one thousand five hundred dollars	1,500
Stenographer and typewriter, Finance Committee, one thousand two hundred dollars..	1,200
Typewriter and assistant to Committee clerk, one thousand two hundred dollars	1,200
Assistant stenographer and typewriter, nine hundred dollars	900
Transcribing clerk, one thousand two hundred dollars	1,200
Doorkeeper, three hundred dollars	300
Messenger, one thousand two hundred dollars.	1,200
Janitor, nine hundred dollars	900
Assistant janitor, seven hundred and twenty dollars	720
Office boys, 2 at \$480 each, nine hundred and sixty dollars	960
Cleaners, 2 at \$540 each, one thousand and eighty dollars	1,080
Pages, 2 at \$100 each, two hundred dollars..	200
(d) For preparing schedules of appropriations and other matters for the use of the Committee on Finance, four hundred dollars	400
(e) For clerical assistance to the Committee on Finance, and preparing list of bills introduced in Councils, four hundred dollars	400
Total, forty-eight thousand seven hundred and twenty dollars	\$48,720

Item 2. *Services other than personal:*

- (a) Printing Journals and other documents for Councils, thirteen thousand dollars \$13,000

Provided, That the bid for the printing of the Journal and Appendix of Common Council, and the approved Ordinances and other printed matter required by Common Council shall be advertised for and the contract awarded separately from that for the Journal and Appendix and other printing required by Select Council, and that no bid shall be entertained, nor shall any contract be awarded for the Select Council printing to parties who have obtained the contract for that of Common Council: *Provided further*, That work for printing shall only be awarded to contractors who pay the recognized rate of wages adopted by the Typographical Union.

- (b) Binding Journals and other documents for Councils, one thousand two hundred dollars.. 1,200
- (c) Carriage and automobile hire, three thousand dollars 3,000

Provided, That instead of advertising, the Chief Clerks shall invite written proposals from not less than three responsible parties, having at least ten first-class carriages or five automobiles of their own, and shall award the contract to the lowest bidder, in accordance with existing ordinances, subject to the approval of the Committee on Finance: *Provided further*, That the City Controller shall countersign no warrants drawn on this item until furnished with the bill, approved by the Chairman and two members of the Committee for whose use the vehicles were provided.

- (d) Meals at night and all day sessions, etc., two thousand five hundred dollars..... 2,500

Provided, That no warrants shall be drawn on this item unless the bills are first approved by the Committee on Finance.

- (e) Communication service, one thousand dollars \$1,000

Provided, That no warrants shall be drawn on this item unless the bills are first approved by the Committee on Finance.

- (f) Engrossing resolutions, deceased and retiring members, five hundred dollars 500

- (g) For printing and binding a Manual of Councils for the use of members, two thousand dollars 2,000

Provided, That Manuals be distributed not later than March 15, 1913.

- (h) For advertising and publishing loans and notices, three thousand five hundred dollars... 3,500

Total, twenty-six thousand seven hundred dollars \$26,700

Item 3. *Supplies:*

- (a) Stationery and educational supplies, six thousand dollars \$6,000

- (b) Cleaning and toilet supplies, one thousand dollars 1,000

- (c) Special and miscellaneous supplies, one thousand two hundred dollars 1,200

- (d) For paper for Ordinances and Journals, one thousand dollars 1,000

Total, nine thousand two hundred dollars.. \$9,200

MAINTENANCE.

- Item 4. Repairs to furniture, furnishings, and equipment, one thousand dollars \$1,000

CONTRIBUTIONS.

- Item 5 (a) Celebrating Fourth of July, Independence Day (to be expended under the super-

vision of the Committee on Fourth of July), one thousand dollars	\$1,000
(b) For the proper observance of Memorial Day (to be expended under the supervision of the Soldiers' Monument Committee), seven thou- sand and eleven dollars	7,011

Total, eight thousand and eleven dollars... \$8,011

Item 6. *Miscellaneous expenditures:*

Account of Select and Common Councils, three
thousand five hundred dollars \$3,500

Provided, That the Presidents of Select and Common Councils are hereby authorized to appoint the stenographers and typewriters, doorkeepers and pages: *Provided further*, That the Chief Clerks of Councils shall advertise not more than three times in three daily newspapers of the City for printing the Journals and other documents, binding and stationery, required for the use of Councils, and award the contract for the same to the lowest responsible bidder, subject to the approval of the Committee on Printing and Supplies: *Provided further*, That not more than one thousand (1,000) Journals and Appendixes of each branch of Councils for each half year shall be printed, and not more than four hundred (400) copies of each half year shall be bound, and not more than nineteen hundred (1,900) books of ordinances for each year shall be printed, and not more than twelve hundred (1,200) copies shall be bound: *Provided further*, That balances remaining to the credit of Item 7 in the annual appropriation for 1912 shall not merge December 31, 1912

And warrants shall be drawn by the Clerks of Councils in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Clerks of Councils, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 55; nays, 25.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 46; nays, 0.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to the Inspectors of the County Prisons, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the sum of two hundred and twenty-three thousand six hundred and thirty (223,630) dollars be, and the same is hereby appropriated to the Inspectors of the County Prisons, for the year 1913.

REED STREET PRISON.

Of the amount appropriated to the Inspectors of the County Prisons, the sum of one hundred and eleven thousand five hundred and thirty (111,530) dollars is for the expenses of the Reed Street Prison, as follows:

OPERATION.

Item 1. *Personal services.*

(a) Salaries:

Superintendent, three thousand five hundred dollars	\$3,500
Assistant superintendent, one thousand eight hundred dollars	1,800
Clerk, one thousand eight hundred dollars	1,800
Prison agent, one thousand five hundred dollars	1,500
Physician, one thousand five hundred dollars	1,500
Physician, woman, one thousand two hundred dollars	1,200
Assistant physician and apothecary, one thousand five hundred dollars	1,500
Matron, one thousand dollars	1,000
Assistant matron, eight hundred dollars	800
Chief electrician and engineer, one thousand five hundred dollars	1,500
Assistant electrician, one thousand dollars	1,000
Second assistant electrician, nine hundred dollars	900
Engineer, nine hundred dollars	900
Fireman, nine hundred dollars	900
Engineer, nine hundred dollars	900
Baker, nine hundred dollars	900
Cook, nine hundred dollars	900
Keeper in charge of court calendar, one thousand two hundred dollars	1,200
Keepers, 21 at \$900 each, eighteen thousand nine hundred dollars	18,900
Plumber and keeper, one thousand dollars	1,000
Painter and keeper, one thousand dollars	1,000
Carpenter and keeper, one thousand dollars	1,000

Night gate-keepers, 2 at \$900 each, one thousand eight hundred dollars	\$1,800
Messenger, nine hundred dollars.....	900
Keepers, 4 at \$750 each, three thousand dollars	3,000
Watchmen, 5 at \$800 each, four thousand dollars	4,000
Watchman to act as nurse, eight hundred dollars	800
Watchwomen, 4 at \$420 each, one thousand six hundred and eighty dollars.....	1,680
Domestics, 2 at \$5.00 per week (52 weeks), five hundred and twenty dollars.....	520
(b) Overwork of prisoners, one hundred and fifty dollars	150
Total, fifty-eight thousand four hundred and fifty dollars.....	\$58,450

Item 2. *Services other than personal.*

(a) Traveling expenses of prison agent, one hundred and fifty dollars.....	\$150
(b) Traveling expenses for prison, four hundred dollars	400
(c) Conveying prisoners on writs of habeas corpus, fifty dollars.....	50
(d) Hauling ashes, three hundred dollars.....	300
(e) Postage, telephone, telegraph and messenger service, four hundred dollars.....	400
(f) Printing and binding, one hundred dollars	100
(g) Advertising and publishing of notices, one hundred and fifty dollars.....	150
Total, one thousand five hundred and fifty dollars	\$1,550

Item 3. *Materials*, three hundred and fifty dollars

\$350

Item 4. *Supplies:*

(a) Stationery, one hundred and fifty dollars... \$150

(b) Drugs and hospital supplies, six hundred dollars	\$600
(c) Coal, nine thousand five hundred dollars...	9,500
(d) Gas, one hundred and fifty dollars.....	150
(e) Mechanics' and engineers' supplies, two thousand dollars	2,000
(f) Soap, one thousand dollars.....	1,000
(g) Brooms, combs and material for making brushes, four hundred dollars.....	400
(h) Disinfectants, one hundred dollars.....	100
(i) Clothing and bedding, etc., four thousand dollars	4,000
(j) Hay, feed and straw, two hundred and fifty dollars	250
(k) Flour, ten thousand dollars.....	10,000
(l) Beef, mutton and pork, twelve thousand five hundred dollars	12,500
(m) Groceries and provisions, two thousand three hundred dollars.....	2,300
(n) Vegetables, three thousand five hundred dollars	3,500
(o) Milk, two hundred dollars.....	200
(p) Compressed yeast, three hundred and fifty dollars	350
(q) Ice, four hundred dollars.....	400
(r) Shoe findings, fifty dollars	50
Total, forty-seven thousand four hundred and fifty dollars	\$47,450

MAINTENANCE.

Item 5. *Repairs and replacements:*

(a) Materials for repairs and improvements, three thousand dollars	\$3,000
(b) Equipment, furniture and miscellaneous, four hundred and thirty dollars	430

Total, three thousand four hundred and thirty dollars

\$3,430

FIXED CHARGES AND CONTRIBUTIONS.

Item 6. Presents to discharged prisoners, one hundred and fifty dollars	\$150
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CAPITAL OUTLAY.

Item 7. Library books, one hundred and fifty dollars	\$150
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HOLMESBURG PRISON.

SECT. 2. Of the amount appropriated to the Inspectors of the County Prisons, the sum of one hundred and twelve thousand one hundred (112,100) dollars is for the expenses of the Holmesburg Prison, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Assistant superintendent, one thousand eight hundred dollars	\$1,800
Clerk, one thousand five hundred dollars	1,500
Messenger, nine hundred dollars	900
Physician, one thousand three hundred dollars	1,300
Baker, nine hundred dollars	900
Cook, nine hundred dollars	900
Keepers, 14 at \$900 each, twelve thousand six hundred dollars	12,600
Shoemaker and keeper, one thousand dollars..	1,000
Carpenter and keeper, one thousand dollars....	1,000
Painter and keeper, one thousand dollars ...	1,000
Plumber and keeper, one thousand dollars...	1,000
Bricklayer and keeper, one thousand dollars..	1,000
Tailor and keeper, one thousand dollars....	1,000
Printer and keeper, one thousand dollars....	1,000
Electrician and keeper, nine hundred dollars..	900
Night gate keeper, nine hundred dollars....	900
Watchmen, 10 at \$800 each, eight thousand dollars . . .	8,000
Chief electrician and engineer, one thousand two hundred dollars	1,200

Assistant electrician and engineer, one thousand dollars	\$1,000
Second assistant electrician, nine hundred dollars	900
Firemen, 2 at \$800 each, one thousand six hundred dollars	1,600
Keeper and registrar, one thousand two hundred dollars	1,200
Domestics, 2 at \$4.00 per week (52 weeks), four hundred and sixteen dollars	416
(b) Overwork of prisoners, one hundred and fifty dollars	150
Total, forty-three thousand one hundred and sixty-six dollars	\$43,166

Item 2. *Services other than personal:*

(a) Postage, telephone, telegraph and messenger service, four hundred dollars	\$400
(b) Printing and binding, two hundred dollars	200
(c) Hauling ashes, etc., one hundred dollars...	100
(d) Advertising, one hundred and fifty dollars..	150
Total, eight hundred and fifty dollars....	\$850

Item 3. *Materials:*

Leather and manufacturing materials, five thousand dollars	\$5,000
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Item 4. *Supplies:*

(a) Stationery, two hundred dollars	\$200
(b) Drugs and hospital supplies, five hundred dollars	500
(c) Fuel, thirteen thousand dollars	13,000
(d) Mechanics', engineers', and electricians' supplies, two thousand five hundred dollars.....	2,500
(e) Soap, one thousand dollars	1,000
(f) Brooms, combs and material for making brushes, two hundred dollars	200

(g) Disinfectants, fifty dollars	\$50
(h) Clothing and bedding, four thousand three hundred dollars	4,300
(i) Hay, feed and straw, two hundred and fifty dollars	250
(j) Flour, eleven thousand dollars	11,000
(k) Beef, mutton and pork, fifteen thousand dollars	15,000
(l) Groceries and provisions, three thousand dollars	3,000
(m) Vegetables, four thousand dollars	4,000
(n) Milk, six hundred dollars	600
(o) Compressed yeast, three hundred and fifty dollars	350
(p) Ice, six hundred dollars	600
(q) Shoe findings, etc., three hundred dollars...	300
(r) Water rent, two thousand five hundred dollars	2,500
Total, fifty-nine thousand three hundred and fifty dollars	\$59,350

Provided, The Inspectors of the County Prisons are hereby authorized to purchase and contract for a supply of water from the Holmesburg and Disston Water Company, for Holmesburg Prison, for the year 1913, at the same rate that existed for the year 1912.

Item 5. *Contributions:*

Presents to discharged prisoners, four hundred dollars	\$400
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MAINTENANCE.

Item 6. *For repairs and improvements:*

The construction of five cells for consumptives, three thousand dollars	\$3,000
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Item 7. *Equipment:*

Furniture and miscellaneous, one hundred and thirty-four dollars	\$134
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CAPITAL OUTLAY.

Item 8. *Equipment*:

Library books, two hundred dollars. \$200

Provided, That the said Inspectors of the County Prisons shall be allowed, when it is in their judgment to the best interests of the City, to purchase or contract, without advertising, bills for each prison not exceeding the sum of one hundred (100) dollars, and the City Controller is hereby authorized and directed to countersign warrants for bills so rendered upon the approval of the said bills by the Inspectors of the County Prisons.

And warrants shall be drawn by the Inspectors of the County Prisons in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Inspectors of the County Prisons, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 55; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 38; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act

of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To make an appropriation to City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of nine million three hundred and forty-one thousand seven hundred and sixty-seven (9,341,767) dollars and fifty (50) cents be, and the same is hereby appropriated to the City Treasurer, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Treasurer, ten thousand dollars	\$10,000
Assistant City Treasurer, five thousand dollars	5,000
Chief clerk, two thousand seven hundred and fifty dollars	2,750
Receiving teller, two thousand two hundred and fifty dollars	2,250
First assistant receiving teller, two thousand dollars	2,000
Second assistant receiving teller, one thousand four hundred dollars	1,400
Paying teller, two thousand two hundred and fifty dollars	2,250

First assistant paying teller, one thousand eight hundred dollars	\$1,800
Second assistant paying teller, one thousand five hundred dollars	1,500
Third assistant paying teller, one thousand two hundred dollars	1,200
Bookkeeper, two thousand two hundred and fifty dollars	2,250
First assistant bookkeeper, one thousand four hundred dollars	1,400
Second assistant bookkeeper, one thousand two hundred dollars	1,200
Warrant clerk, one thousand seven hundred dollars	1,700
First assistant warrant clerk, one thousand two hundred dollars	1,200
Second assistant warrant clerk, one thousand two hundred dollars	1,200
State clerk, two thousand two hundred and fifty dollars	2,250
First assistant State clerk, one thousand two hundred dollars	1,200
Second assistant State Clerk, one thousand two hundred dollars	1,200
Third assistant State clerk, one thousand two hundred dollars	1,200
Fourth assistant State clerk, one thousand two hundred dollars	1,200
Clerk, one thousand two hundred dollars	1,200
Messengers, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Watchmen, 4 at \$900 each, three thousand six hundred dollars	3,600
Stenographer, nine hundred dollars	900
Telephone attendant, seven hundred and twenty dollars	720
Office messenger, seven hundred and twenty dollars	720
Janitor, nine hundred dollars	900

(b) Salaries and wages for extra help, one hundred and twenty-five dollars	\$125
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Total, fifty-six thousand five hundred and fifteen dollars	\$56,515
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Item 2. *Services other than personal:*

(a) Transportation of persons, seventy-five dollars	\$75
(b) Subsistence of persons, four hundred and twenty-five dollars	425
(c) Communication service, six hundred dollars.	600
(d) Printing, engraving and binding, five hundred and fifty dollars	550
(e) Advertising and publication of notices, ninety dollars	90
(f) Special and miscellaneous services, one hundred and fifty dollars	150

Total, one thousand eight hundred and ninety dollars	\$1,890
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Item 3. *Supplies:*

(a) Stationery, three hundred dollars	\$300
(b) Cleaning and toilet, sixty dollars	60
(c) Special and miscellaneous, one hundred and twenty-five dollars	125

Total, four hundred and eighty-five dollars	\$485
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FIXED CHARGES.

Item 4. *Redemption of loans and interest:*

(a) Redemption of loan (Fourteenth Series N of \$4,600,000 Loan authorized April 1, 1890, due November 1, 1913), two hundred and thirty thousand dollars	\$230,000
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Redemption of loan (Twelfth Series L of \$1,000,000 Loan authorized September 16,

1892, due December 31, 1913), fifty thousand dollars	\$50,000
Redemption of loan (Eleventh Series K of \$3,500,000 Loan authorized February 6, 1893, due December 31, 1913), one hundred and seventy-five thousand dollars..	175,000
Redemption of loan (Tenth Series J of \$1,100,000 Loan authorized April 3, 1894, due December 31, 1913), fifty-five thousand dollars	55,000
Redemption of loan (Tenth Series J of \$3,000,000 Loan authorized April 3, 1894, due December 31, 1913), one hundred and fifty thousand dollars	150,000
Redemption of loan (Tenth Series J of \$2,720,000 Refunding Loan authorized November 8, 1894, due December 31, 1913), one hundred and thirty-six thousand dollars	136,000
Redemption of loan (Ninth Series I of \$1,200,000 Loan authorized June 18, 1895, due December 31, 1913), sixty thousand dollars	60,000
Redemption of loan (Ninth Series I of \$1,200,000 Refunding Loan of September 16, 1895, due December 31, 1913), sixty thousand dollars	60,000
Redemption of loan (Ninth Series I of \$1,000,000 Refunding Loan of December 10, 1895, due December 31, 1913), fifty thousand dollars	50,000
(b) Redemption of temporary loan, six hundred and eight thousand dollars	608,000
(c) Sinking Fund:	
\$6,000,000 loan, two hundred and seventy-seven thousand five hundred dollars	277,500
2,000,000 loan, one hundred and fifteen thousand dollars	115,000

650,000 loan, thirty-seven thousand three hundred and seventy-five dollars	\$37,375
1,306,000 loan, sixty-eight thousand five hundred and sixty-five dollars	68,565
11,200,000 loan, seven hundred and seven thousand dollars	707,000
12,000,000 loan, six hundred and ninety thousand dollars	690,000
5,000,000 loan, two hundred and eighty-seven thousand five hundred dollars	287,500
16,000,000 loan, nine hundred and twenty thousand dollars	920,000
4,000,000 loan, two hundred and four thousand six hundred and eighty-seven dollars and fifty cents	204,687 50
13,500,000 loan, seven hundred and eighty thousand six hundred and twenty-five dollars	780,625
10,000,000 loan, six hundred and twenty-five thousand dollars	625,000
3,500,000 loan, two hundred and eighteen thousand seven hundred and fifty dollars	218,750
5,739,700 loan, three hundred and fifty-eight thousand seven hundred and thirty-one dollars and twenty-five cents	358,731 25
5,000,000 loan, three hundred and twelve thousand five hundred dollars	312,500
2,300,000 loan, one hundred and forty-three thousand seven hundred and fifty dollars	143,750
9,750,000 loan, six hundred and thirty-three thousand seven hundred and fifty dollars	633,750
4,225,000 loan, two hundred and seventy-four thousand six hundred and twenty-five dollars	274,625

Provided, Payments for Sinking Fund be made quarterly in advance.

(d) Sinking fund on new loans, two hundred and forty thousand dollars..... 240,000

(e) Interest:

Due May 1, 1913, twenty-four thousand one hundred and fifty dollars	\$24,150	
Due July 1, 1913, one hundred and thirty-five thousand one hundred and nine dollars and thirty-eight cents	135,109	38
Due November 1, 1913, twenty-four thousand one hundred and fifty dollars.....	24,150	
Due January 1, 1914, one hundred and thirty-five thousand one hundred and nine dollars and thirty-seven cents....	135,109	37

(f) Interest on new loans, one hundred and sixty thousand dollars 160,000

(g) School and Teachers' Association:

Association of Philadelphia, ten thousand dollars	10,000	
Teachers' Institute of Philadelphia, three thousand dollars	3,000	
School of Design for Women, ten thousand dollars	10,000	

Provided, Said sums shall have been received from Commonwealth of Pennsylvania.

(h) Maintenance indigent insane at State institutions, twenty thousand dollars..... 20,000

(i) State tax on City loans, two hundred and fifty-two thousand dollars 252,000

Pensions and retirement fund.

(j) Firemen's Pension Fund, for so much thereof as may be received from the Commonwealth of Pennsylvania on account of two per cent. premium paid by foreign insurance companies, forty thousand dollars 40,000

Total, nine million two hundred and eighty-two thousand eight hundred and seventy-seven dollars and fifty cents \$9,282,877 50

And warrants shall be drawn by the City Treasurer in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

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OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 13, 1912.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the City Treasurer, for the year 1913," was returned by the Mayor to Common Council on the twelfth day of December, 1912, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of yeas, 54; nays, 26.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 36; nays, 7.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

Authorizing the Director of the Department of Public Safety to draw, and the City Controller to countersign, certain warrants in favor of the Bell Telephone Company of Pennsylvania for telephone service rendered the City of Philadelphia, from January 1, 1912, to October 15, 1912 (inclusive).

WHEREAS, By ordinance of Councils, approved by his Honor, the Mayor, on the thirtieth day of December, 1911, there was appropriated to the Department of Public Safety (Electrical Bureau), the following, for the year 1912: To Item 6, for telephone service, thirty-five thousand (35,000) dollars; to Item 11, for rent of telephones in the various police stations connected with the Electrical Bureau, five thousand two hundred and eighty-six (5,286) dollars;

AND WHEREAS, The original proposals submitted by the Bell Telephone Company of Pennsylvania have been the subject of lengthy negotiations between the Department of Public Safety and the Company in question;

AND WHEREAS, An agreement has now been made between the Department of Public Safety and the Bell Telephone Company of Pennsylvania, which has resulted in a substantial lowering of the prices to be paid for the service in question, as compared with the original proposals aforesaid—all of which has prevented the execution of the customary contract for service rendered previous to October 16, 1912; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety and the City Controller be, and they are hereby authorized and directed to draw and countersign, respectively, warrants in favor of the Bell Telephone Company of Pennsylvania, to pay said Company's bills, as follows: For telephone service and equipment furnished the City of Philadelphia, from January 1 to October 15, 1912, inclusive, as follows: 482 tele-

phone stations comprised in Electrical and Water Bureau systems, at twenty-eight (28) dollars and eight (8) cents each per annum, ten thousand seven hundred and fourteen (10,714) dollars and eighty-six (86) cents; 1 switchboard, Water Bureau, Room 793, City Hall, at thirty-six (36) dollars, twenty-eight (28) dollars and fifty (50) cents; sundry additional service and equipment established since January 1, 1912, five hundred and fifty-seven (557) dollars and twenty (20) cents; Philadelphia Hospital, one thousand eight hundred and sixty-eight (1,868) dollars and thirty-six (36) cents; Municipal Hospital, one thousand one hundred and ninety-eight (1,198) dollars and sixty-one (61) cents; City Farms, Byberry, four hundred and fifty-six (456) dollars, installation charge, seventy (70) dollars, additional station in Colony House, ten (10) dollars and eight (8) cents; total, five hundred and thirty-six (536) dollars and eight (8) cents; 20 offices of Bureau of Highways and Bureau of Surveys, one thousand four hundred and twenty-nine (1,429) dollars and seventy-five (75) cents; residence of W. T. Gray, 341⁷/₈ Queen lane, East Falls, nine (9) dollars and seventy-three (73) cents; residence of G. W. Thompson, 1802 Morris street, eleven (11) dollars; residence of N. J. Kenney, 5138 Carlisle street, twelve (12) dollars and fifty (50) cents; contribution to telephone expenses of 27 hospitals, two thousand one hundred and thirteen (2,113) dollars and six (6) cents; total, eighteen thousand four hundred and seventy-nine (18,479) dollars and sixty-five (65) cents; the same to be paid for from and charged against Item 6, for telephone service, in the annual appropriation to the Electrical Bureau, Department of Public Safety, for the year 1912; and for telephone service and equipment furnished the City of Philadelphia for the use of the Bureau of Police and various police stations, from January 1 to October 15, 1912, inclusive: Switchboard, 629 City Hall, at thirty-six (36) dollars per annum, twenty-eight (28) dollars and fifty (50) cents; 51 telephone stations, at twenty-eight (28) dollars and eight (8) cents each per annum, one thousand one hundred and thirty-three (1,133) dollars and seventy-three (73) cents; circuits connecting station with switchboard in

City Hall, at three thousand four hundred and ninety-two (3,492) dollars per annum, two thousand seven hundred and sixty-four (2,764) dollars and fifty (50) cents; total, three thousand nine hundred and twenty-six (3,926) dollars and seventy-three (73) cents; the same to be paid for from and charged against Item 11, for rental of telephones in the various police stations connected with the Electrical Bureau, in the annual appropriation to the Electrical Bureau, Department of Public Safety, for the year 1912.

Approved the fourteenth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the setting of curbs and paving of sidewalks on Westview street, from Wayne avenue to Sherman street.

WHEREAS, The owners of the majority of the feet frontage on both sides of Westview street, from Wayne avenue to Sherman street, have petitioned Councils to have the sidewalks paved and curbs set in front of their property, in accordance with an Act of Assembly approved April 15, 1907; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of the property on both sides of Westview street, from Wayne avenue to Sherman street, to set the curb and pave sidewalks within sixty days after receiving said notices.

Should any of the property owners refuse or neglect to lay said curbs and pavements for sixty days after notice has been given, the Department of Public Works shall

enter into a contract, without delay, to have it made, and charge the cost thereof to the property in front of which they are made; and if the said cost is not paid within sixty days after a bill for the same has been presented, a claim shall be filed in the proper Court for the amount thereof, which claim shall be a lien against the property, and shall be collected in the same manner as other municipal claims are now by law collected.

Approved the seventeenth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To change the character of paving authorized to be laid on Eleventh street, from Lindley avenue to Duncannon avenue; Marvine street, from Lindley avenue to Duncannon avenue; Twelfth street, from Lindley avenue to Windrim avenue; Camac street, from Lindley avenue to Windrim avenue; and Windrim avenue, from Duncannon avenue to Broad street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to change the character of paving authorized by ordinance approved July 20, 1912, to be laid on Eleventh street, from Lindley avenue to Duncannon avenue; Marvine street, from Lindley avenue to Duncannon avenue; Twelfth street, from Lindley avenue to Windrim avenue; Camac street, from Lindley avenue to Windrim avenue; and Windrim avenue, from Duncannon avenue to Broad street; from asphalt to vitrified brick.

Approved the seventeenth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved the first day of December, 1911, entitled "An Ordinance to authorize the necessary work of regrading, repaving sidewalks, resetting curbs, rebuilding inlets and sewer manholes, and other incidental work necessary to place Appletree street, from Eighth to Perth street, to the revised curb lines and grades."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the ordinance approved the first day of December, 1911, entitled "An Ordinance to authorize the necessary work of regrading, repaving of cartway, regrading and repaving sidewalks, resetting curbs, rebuilding inlets and sewer manholes, and other incidental work necessary to place Appletree street, from Eighth to Perth street, to the revised curb lines and grades," be, and the same is hereby amended by striking out in the last sentence the words "one thousand five hundred dollars," and inserting therein the words "two thousand five hundred dollars," making the ordinance read "the cost of said work not to exceed two thousand five hundred dollars," etc.

Approved the seventeenth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To fix the rate of discounts and penalties upon the payment of taxes, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That upon all taxes paid during January, February and March, 1913, a discount of one (1) per cent. shall be allowed, and during the month of

April a discount at the rate of three-fourths ($\frac{3}{4}$) of one (1) per cent. shall be allowed, and during the month of May a discount at the rate of one-half ($\frac{1}{2}$) of one (1) per cent. shall be allowed, and during the month of June a discount at the rate of one-fourth ($\frac{1}{4}$) of one (1) per cent. shall be allowed. During July and August no discount shall be allowed and no penalty shall be imposed. If paid after the 31st day of August and on or before the 30th day of September an addition or penalty of one (1) per cent. shall be imposed; if paid on or before the 31st day of October there shall be an addition or penalty of two (2) per cent. imposed; if paid on or before the 30th day of November there shall be an addition or penalty of three (3) per cent. imposed; if paid on or before the 31st day of December there shall be an addition or penalty of four (4) per cent. imposed, and upon all taxes remaining unpaid on and after the first day of January there shall be an addition or penalty of five (5) per cent. and the cost of advertising added to and made payable on the same. And it shall be the duty of the Receiver of Taxes to display, from day to day, in large figures, and in a conspicuous place in the Tax Office, the amount of discount or penalty fixed by ordinance.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twentieth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Requesting and directing the City Controller to deduct the net school debt in estimating, fixing and stating the debt of the City of Philadelphia, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, By Section 120 of the Act of Assembly of the Commonwealth of Pennsylvania, approved May 18, 1911, it was provided as follows:

"From and after the beginning of the first school year following the approval of this Act, all the public school property in this Commonwealth, real, personal, or mixed, now held, owned, or possessed by any school district, sub-school district, or ward school district therein, or that may be held, owned, or possessed by any municipality, for the use of any school district or for school purposes, is hereby transferred and assigned to, and shall be owned by and vested in, the proper school district established by this Act within whose boundaries such property is situated, except as herein provided, subject to all the trusts, conditions and liabilities legally applicable thereto. And each school district hereby established shall succeed to and shall assume and pay all the rights, liabilities, and indebtedness of the school district or districts, sub-school districts or ward school districts, within its boundaries, including any and all indebtedness that may have been created or incurred as school indebtedness by any municipality subject to the provisions of this Act, for or on account of any such school district or for school purposes, with the benefit of application of the amount of any and all sinking funds in connection with such indebtedness, to such extent as such sinking funds shall exist at the time herein fixed as that of the assumption or payment of said indebtedness: *Provided*, That where any joint schools have heretofore been established, or may hereafter be established, by any two or more school districts, the property of such joint schools shall be held, owned, or occupied by the school districts provided for by this Act, in such proportion and in such manner as the school districts establishing the same have agreed, or may mutually agree upon."

AND WHEREAS, The amount of the debt of the City of Philadelphia incurred for school purposes is as follows:

Gross school debt	\$7,983,284 00
Less sinking fund applicable thereto . .	1,005,203 11

Net school debt	\$6,978,080 89
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which last named amount has been recognized and acknowledged by resolution of the Board of Public Education of the School District of Philadelphia, dated October 8, 1912, as the net amount of the debt of the City of Philadelphia to which the said School District has succeeded, and which is obligated to be assumed by it by and in accordance with the directions of the said Act of Assembly;

AND WHEREAS, The City Controller has been advised by counsel that until there is a legal decision settling the matter it was his duty to include in the net funded debt of the City the said amount of school indebtedness;

AND WHEREAS, It is desired that a judicial decision may be had with respect to the legality of the reduction of the City debt as provided by said Act of Assembly of May 18, 1911; therefore,

Resolved, By the Select and Common Councils of the City of Philadelphia, That the City Controller be, and he is hereby requested and directed, in computing, stating, and certifying the debt of the City of Philadelphia, as required by and for the purposes of the Act of Assembly, approved April 20, 1874, and its supplements and amendments, or for any other purposes, to deduct from such City debt, among the other deductions required by law, the foregoing net sum of six million nine hundred and seventy-eight thousand and eighty (6,978,080) dollars and eighty-nine (89) cents in fixing and determining the net debt of the City.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twenty-sixth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Mayor, Board of Revision of Taxes, Commissioners of Fairmount Park, City Controller, Clerks of Councils, District Attorney and Receiver of Taxes, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Mayor, Board of Revision of Taxes, Commissioners of Fairmount Park, City Controller, Clerks of Councils, District Attorney and Receiver of Taxes, for the year 1912, viz.: Department of Public Safety (Director's Office): From Item 1, for salaries, one thousand (1,000) dollars; (Bureau of Fire): From Item 1, for salaries, nine thousand and four (9,004) dollars and twenty (20) cents; from Item 5, for cleaning bunk rooms and offices, one thousand (1,000) dollars; from Item 7, for expenses incurred in removing dangerous walls, etc., three hundred (300) dollars; (Electrical Bureau): From Item 1, for salaries, three thousand nine hundred (3,900) dollars; from Item 10E, for laying underground conduits and constructing manholes, one thousand (1,000) dollars; from Item 15, for wages, etc., two thousand (2,000) dollars; (Bureau of City Property): From Item 1, for salaries, eight thousand (8,000) dollars; from Item 2, for wages, etc., ten thousand (10,000) dollars; from Item 6, for repairs to property owned by and used for City purposes, etc., one thousand five hundred (1,500) dollars; from Item 12, for fees of auctioneers, two hundred and fifty (250) dollars; from Item 14, for cleaning cesspools, one hundred (100) dollars; from Item 15, for rents, etc., one thousand seven hundred (1,700) dollars; from Item 16, for ground rents, etc., five hundred and for-

ty-two (542) dollars; from Item 6S, for completing the erection and equipment of crematorium, six hundred (600) dollars; from Item 70, for renewing roof of City Hall, three thousand nine hundred (3,900) dollars; (Bureau of Correction): From Item 1, for salaries, two thousand and sixty-two (2,062) dollars; from Item 3, for transfer of prisoners, etc., two hundred (200) dollars; from Item 3E, for transportation of prisoners, etc., one hundred (100) dollars; from Item 3B, for transportation of prisoners, etc., two hundred (200) dollars; from Item 5, for maintaining and extending gas works, twenty-nine (29) dollars; from Item 11½, for rebuilding steel tank, nine hundred and forty-five (945) dollars; (Bureau of Building Inspection): From Item 1, for salaries, one thousand four hundred and eighty-one (1,481) dollars; from Item 2E, for postage, etc., one hundred (100) dollars; (Bureau of Boiler Inspection): From Item 1, for salaries, four hundred and thirty-seven (437) dollars; (Bureau of Elevator Inspection): From Item 1, for salaries, six thousand eight hundred and fifty (6,850) dollars. Department of Public Works (Director's Office): From Item 2, for maintenance and keep of horse, etc., two hundred and ninety-eight (298) dollars; (Bureau of Highways): From Item 2, for cleaning streets, etc., two thousand one hundred and forty-one (2,141) dollars; from Item 3, for removing garbage, etc., two thousand one hundred and eleven (2,111) dollars; (Bureau of Water): From Item 1, for salaries, two thousand (2,000) dollars; from Item 9E, for clerk hire, seven hundred and fifty (750) dollars; (Bureau of Lighting): From Item 1, for salaries, eight hundred (800) dollars; from Item 2½, for purchase and maintenance of motor cycles, one hundred (100) dollars. Department of Supplies (Water): From Item 15, for coal, etc., six thousand (6,000) dollars. Department of Wharves, Docks and Ferries: From Item 11, for removing ashes, etc., one hundred and fifty (150) dollars; from Item 31, for the preparation of plans for new ice boat, two thousand (2,000) dollars. Board of Revision of Taxes: From Item 9, for hire of automobiles, etc., eight hundred and fifty (850) dollars. Clerks of Councils: From Item 2, for

printing Journals, etc., two thousand seven hundred and eight-two (2,782) dollars and sixty (60) cents. Commissioners of Fairmount Park: From Item 3, for maintenance of Park, etc., one thousand seven hundred (1,700) dollars. City Controller: From Item 2, for printing annual report of the City Controller, two hundred and fifty (250) dollars; from Item 3, for printing City warrants for the several Departments, two hundred (200) dollars. Receiver of Taxes: From Item 1, for salaries, main office, five hundred (500) dollars; from Item 3, salaries, Water Rent Bureau, one hundred and fifty (150) dollars; from Item 8, for rents of district offices, five hundred (500) dollars; from Item 13, for transportation, five hundred (500) dollars. Mayor: From Item 12, to the Board of Trustees of the Free Library of Philadelphia, for rents, nine thousand seven hundred and fifty-two (9,752) dollars and sixty-two (62) cents; for electric lighting, one thousand eight hundred (1,800) dollars; for insurance, one hundred and fifty-six (156) dollars and eighteen (18) cents; for alterations and repairs, one thousand (1,000) dollars, to the following:

Department of Public Safety (Director's Office): To Item 2, for postage, car fare, etc., to pay bill of Monarch Ventilator Co., for ventilator, eighty (80) dollars; to pay bill of Stephen Greene Co., for printing, fifty-three (53) dollars and fifty-five (55) cents; to pay bill of Dunlap Printing Co., for printing, five hundred and twelve (512) dollars; to pay bill of Lafferty, Macey Co., for filing cases, thirty-two (32) dollars; to pay bill of George F. Lasher, for index cards and printing, eighteen (18) dollars and twenty-five (25) cents; to pay bill of A. Pomerantz & Co., for desk chair, seven (7) dollars and fifty (50) cents; to pay bill of W. H. Hoskins & Co., for desk and chair, eighty-five (85) dollars; to pay bill of Deemer & Jaisohn, for printing, stationery, etc., forty-five (45) dollars and forty-four (44) cents; to pay bill of Dunlap Printing Co., for printing, thirty-eight (38) dollars and seventy-five (75) cents; to pay bill of Bailey, Banks & Biddle, for engraving, twenty-eight (28) dollars and seventy-five (75) cents; to pay bill of Bertha Dryfoos, for typewriting,

twenty-eight (28) dollars and fifty (50) cents; to pay bill of the Globe-Wernicke Co., for desk, eighty-nine (89) dollars and ten (10) cents; to pay bill of Gans Bros., for typewriting paper, etc., thirty-one (31) dollars and twenty-five (25) cents; to pay bill of The Bingham Co., for stationery, one (1) dollar and twenty (20) cents; to pay bill of Deemer & Jaisohn, for printing, stationery, etc., seventy-five (75) dollars and twenty (20) cents; total, one thousand one hundred and twenty-six (1,126) dollars and forty-nine (49) cents; to Item 2½, to pay water rent for the year 1911 on the property of the Adath Jeshurun Congregation, 2109-15 N. Broad street, which was used as stables for the traffic squad during the trolley strike of 1910-1911, one hundred and sixty-four (164) dollars and forty-five (45) cents; (Bureau of Police): To Item 32, to reimburse the City of Philadelphia Police Pension Fund Association, for expenses incurred incident to the annual police carnival and parade in 1912, to pay bills as follows: Fuller's Greater Philadelphia Band, Robert W. Fuller, Director, one hundred and forty-five (145) dollars; West Philadelphia Band, J. H. Miller, manager, one hundred and ninety (190) dollars; Tompkins Military and Concert Band, J. Monroe Tompkins, manager, one hundred and thirty-six (136) dollars; Hentschke's Franklin Concert Band, Samuel R. Mathews, manager, one hundred and eighty (180) dollars; Quarters Band, Second Regiment Infantry, N. G. P., Charles F. Bauman, manager, one hundred and eighty-five (185) dollars; J. B. Shannon Hardware Company, for cut nails, six (6) dollars and thirteen (13) cents; Geissel & Richardson, for lumber, one hundred and sixty-eight (168) dollars and seventy-seven (77) cents; Wm. H. Horstmann Co., for guidons, flags, tassels, etc., one hundred (100) dollars and fifty (50) cents; N. Snellenburg & Co., for caps, clubs, gloves, outfits, mats, rowing machines, vaulting horses, punching bag, parallel bars, bells, hangers, balls, wall machine and wrist leader roll, nine hundred and forty-four (944) dollars; total, two thousand and fifty-five (2,055) dollars and forty (40) cents. Warrants for said amount to be drawn to the order of the City of Philadelphia Police Pension Fund Association.

Department of Public Works (Director's Office): To Item 3, for advertising, etc., two hundred and ninety-eight (298) dollars; to Item 8, to reimburse Morris L. Cooke for work done in connection with an expert engineering study of the collection and disposal of garbage and for the preparation of specifications for the same, for the City of Philadelphia, nine hundred and ninety-four (994) dollars and fifty (50) cents; to pay bills of the North Philadelphia Automobile Station, for maintenance and repairs to automobiles during 1911, two hundred and thirty-six (236) dollars and two (2) cents; total, one thousand two hundred and thirty (1,230) dollars and fifty-two (52) cents; (Bureau of Highways): To Item 42, to pay Samuel W. Sutton for the use of premises 68, 70 and 72 Bringhurst street for storage and yard room, from April 1, 1911, to October 1, 1912, five hundred and forty (540) dollars; to Item 9, for making repairs to meadow banks, sluices and ditches in South Philadelphia, five thousand (5,000) dollars; to Item 44, for purchase of metal waste cans to be placed upon the sidewalks in different parts of the City, four thousand two hundred and fifty-two (4,252) dollars; (Bureau of Surveys): To Item 39½, to complete improvements of park at Sixtieth street and Baltimore avenue and Wharton street, two thousand (2,000) dollars; (Bureau of Water): To Item 11, for advertising, postage, horseshoeing, etc., two thousand (2,000) dollars; to Item 11E, for advertising, etc., seven hundred and fifty (750) dollars; (Bureau of Lighting): To Item 3, for postage, cleaning and office expenses, nine hundred (900) dollars: *Provided*, That no salaries or wages be paid out of this item.

Department of Public Health and Charities (Director's Office): To Item 1, for salaries, so as to pay the salary of the Assistant Special Agent at the rate of one thousand (1,000) dollars per annum, from December 15, forty-one (41) dollars and sixty-seven (67) cents; (Bureau of Charities): To Item 62, for a heat, light and power plant for the Philadelphia Institution for the Feeble-Minded at Byberry, forty thousand (40,000) dollars: *Provided*, That this amount shall not merge December 31, 1912; (Bu-

reau of Health): To Item 1, for salaries, so as to pay the salary of a stenographer and typewriter in the Nuisance Division at the rate of one thousand (1,000) dollars a year, from December 15, forty-one (41) dollars and sixty-seven (67) cents.

Department of Supplies (Water): To Item 14, for stationery, etc., two thousand (2,000) dollars; to Item 21, for wrought iron pipe, etc., one thousand (1,000) dollars; to Item 23, for brass fittings, etc., two thousand (2,000) dollars; to Item 28, for cement, bricks, blocks, etc., one thousand (1,000) dollars; (Wharves, Docks and Ferries): To Item 7, for fuel, City dredging plant, three hundred (300) dollars; to Item 7E, for fuel, City dredging plant, one thousand two hundred (1,200) dollars; to Item 8, for dry stores and groceries, City dredging plant, four hundred and fifty (450) dollars; to Item 9B, for provisions, etc., City dredging plant, two hundred (200) dollars.

Mayor: To Item 12, to the Board of Trustees of the Free Library of Philadelphia: For salaries, two thousand seven hundred and ninety (2,790) dollars and seventy-seven (77) cents; for general expenses, three thousand three hundred (3,300) dollars; for books, six thousand six hundred and eighteen (6,618) dollars and three (3) cents.

Board of Revision of Taxes: To Item 5, for stationery, etc., five hundred (500) dollars; to Item 7, for incidentals, etc., three hundred and fifty (350) dollars.

City Controller: To Item 4, for incidentals, etc., four hundred and fifty (450) dollars.

Clerks of Councils: To Item 2½, to pay bill of Dunlap Printing Co., for printing the revised budget for 1913, two thousand seven hundred and eighty-two (2,782) dollars and sixty (60) cents.

Commissioners of Fairmount Park: To Item 7, for the pay, equipment and incidental expenses of the Park Guard, one thousand seven hundred (1,700) dollars.

District Attorney: To Item 3, for incidentals and expenses in the prosecution of cases, etc., five thousand (5,000) dollars.

Receiver of Taxes: To Item 5, for advertising, etc., eight hundred and fifty (850) dollars; to Item 7, for fuel, lighting, etc., eight hundred (800) dollars.

I hereby approve this ordinance excepting the following Item: Department of Public Works (Bureau of Highways), to Item 42, to pay Samuel W. Sutton for the use of premises 6870-6872 Bringham street for storage and yard room from April 1, 1911, to October 1, 1912, five hundred and forty (540) dollars, by reason thereof reducing the amount from Department of Public Safety (Bureau of City Property), Item 16, for ground rents, etc., from five hundred and forty-two (542) dollars to two (2) dollars.

I also withhold my approval of the following Items: To Department of Supplies (Water), to Item 14, for stationery, etc., two thousand (2,000) dollars; to Item 21, for wrought iron pipe, etc., one thousand (1,000) dollars; to Item 23, for brass fittings, etc., two thousand (2,000) dollars; to Item 28, for cement, bricks, blocks, etc., one thousand (1,000) dollars.

I also withhold my approval of four hundred and fifty-three (453) dollars and twenty (20) cents of the following Item: Department of Supplies (Wharves, Docks and Ferries), to Item 7-e, for fuel, City dredging plant, thereby reducing it from one thousand two hundred (1,200) dollars to seven hundred and forty-six (746) dollars and eighty (80) cents.

By reason thereof withholding my approval of the following Item: Department of Supplies (Water), from Item 15, for coal, etc., six thousand (6,000) dollars;

And by reason thereof reducing the following Items: Department of Public Safety (Electrical Bureau), from Item 10-c, for laying underground conduits and constructing manholes, by four hundred and fifty-two (452) dollars and fourteen (14) cents, thereby reducing it from one thousand (1,000) dollars to five hundred and forty-seven (547) dollars and eighty-six (86) cents: also Department

of Public Safety (Bureau of Correction), from Item 5, for maintaining and extending gas works, by one (1) dollar and six (6) cents, thereby reducing it from twenty-nine (29) dollars to twenty-seven (27) dollars and ninety-four (94) cents.

The balance of this ordinance is approved the twenty-sixth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize a certain transfer in the annual appropriations to the Departments of Public Safety and Public Works, for the year 1912, for the paving, repaving, grading, resetting curb, etc., on Silverwood street, from Cotton street to Rector street, and for the necessary grading and repaving on Cotton, Roxborough and Rector streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Departments of Public Safety and Public Works, for the year 1912, viz.: Department of Public Safety (Bureau of Fire): From Item 1, for salaries, eleven thousand (11,000) dollars, to the following: Department of Public Works (Bureau of Highways): To Item 78 (new), to pay for the paving, repaving, grading, resetting of curb and other incidental work on Silverwood street, from Cotton street to Rector street, and for the necessary grading and repaving on Cotton, Roxborough and Rector streets.

Approved the thirtieth day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved June 4, 1912, entitled "An Ordinance to make additional appropriations for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works, Public Safety, etc., out of loan approved May 9, 1912."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved June 4, 1912, entitled "An Ordinance to make additional appropriations for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works, Public Safety, etc., out of loan approved May 9, 1912," be altered and amended by striking out the words "State road," and inserting in lieu thereof the words "Frankford avenue."

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Confirming the sale of property at the southwest corner of Fifty-fifth street and Osage avenue, in the Forty-sixth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the public sale made July 10, 1912, by Samuel T. Freeman & Co., auctioneers, pursuant to ordinance of Councils approved May 27, 1912, entitled "An Ordinance to authorize the Director of the Department of Public Safety (Bureau of City Property) to sell at public sale the lot or piece of ground situate at the southwest corner of Fifty-fifth street and Osage avenue, in the Forty-sixth Ward, to Samuel F. Clevenger,

attorney, for the price or sum of one hundred (100) dollars, less the charges of the auctioneer," be and the same is hereby confirmed.

SECT. 2. That the Mayor is hereby authorized and directed to execute under the corporate seal of the City of Philadelphia deed conveying all the right, title and interest of the City of Philadelphia in and to all that certain lot or piece of ground, beginning at the intersection of the southwest corner of Fifty-fifth street and Osage avenue, in the Forty-sixth Ward of the City of Philadelphia; thence extending westwardly along the southerly side of Osage avenue seven feet seven and seven-eighths inches to a point; thence south 43 degrees 42 minutes 48 seconds east nine feet four and five-eighths inches to a point in the westwardly side of Fifty-fifth street; thence extending northwardly along the westwardly side of Fifty-fifth street five feet five inches to the southerly side of Osage avenue and place of beginning, unto Samuel F. Clevenger, attorney, the purchaser thereof, in fee simple, and to deliver said deed to him upon the payment of the purchase money. Said payment to be made to the City Treasurer through the Department of Public Safety (Bureau of City Property).

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Providing that the buildings for the care of feeble-minded persons, to be constructed on property owned by the City at Byberry, west of the Bensalem and Southampton road, shall be known as "The Philadelphia Institution for the Feeble-Minded."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That the buildings for*

the care of feeble-minded persons, to be erected on property owned by the City at Byberry, west of Bensalem pike and north of Southampton road, for which the Director of the Department of Public Health and Charities was authorized by ordinance approved the fifth day of July, 1912, to advertise for proposals and enter into a contract, shall be known as "The Philadelphia Institution for the Feeble-Minded," in accordance with the provisions of Section 5 of an Act of Assembly approved the fifteenth day of June, 1911, whereby the sum of two hundred thousand (200,000) dollars was appropriated by the Commonwealth toward the erection of said buildings.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of sewers in Gladstone and Roseberry streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into contracts for the construction of sewers in Gladstone and Roseberry streets, from Front to Second street.

SECT. 2. The Director of the Department of Public Works shall advertise according to law, announcing that bids will be received for the sewers above designated, and he shall allot them to the lowest responsible bidders, and it shall be a condition of the said contracts that the contractors shall accept the sums assessed upon and charged

to the properties lying upon the lines of said sewers, in manner and form authorized by existing ordinances, and any excess over and above the said assessment, in addition to that provided for by ordinance, shall be charged to the item for branch sewers in the appropriation to the Department of Public Works (Bureau of Surveys).

SECT. 3. That the Director of the Department of Public Works is authorized to pay for inspection, borings and expenses incidental to the work of constructing branch sewers from the item for the construction of branch sewers.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Directors of the Departments of Public Works and Wharves, Docks and Ferries to draw, and the City Controller to countersign, certain warrants in payment of work and materials heretofore furnished.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Directors of the Departments of Public Works and Wharves, Docks and Ferries be, and they are hereby authorized and directed to draw, and the City Controller to countersign, certain warrants in payment of work and materials heretofore furnished, aggregating five thousand nine hundred and fifty-four (5,954) dollars and fifty-five (55) cents, chargeable against certain items in the annual appropriations to the respective Departments for the year 1912, viz.; Department of Public Works (Bureau of Water): Against Item 6, in favor of the I. P. Morris Company, for repairs to pump at Shawmont Pumping Station and Torresdale Filters,

three hundred and six (306) dollars and seventy-six (76) cents; in favor of Southwark Foundry and Machine Company, for repairs to No. 4 pump, Belmont Pumping Station, seven hundred (700) dollars and eighty (80) cents; in favor of R. D. Wood & Co., for repairs to pump at Torresdale Pumping Station, five hundred and eighty (580) dollars; in favor of Standard Meter Co., for meters to measure feed water at Shawmont Pumping Station, one hundred and sixty (160) dollars; total, one thousand seven hundred and forty-seven (1,747) dollars and fifty-six (56) cents. Against Item 12E, in favor of Robert Crawford, for hauling ashes from the Queen Lane Pumping Station during July and August, four hundred and forty-five (445) dollars; in favor of John R. Leewright, for hauling ashes from the Belmont Pumping Station during May, June and July, nine hundred and eighty-nine (989) dollars and seventeen (17) cents; in favor of Clark & Co., for hauling ashes from the Lardner's Point Pumping Station during May, June, July and August, seven hundred and eighty (780) dollars and thirty (30) cents; total, two thousand two hundred and fourteen (2,214) dollars and forty-seven (47) cents. Against Item 13E, in favor of Fairbanks Company, for scale and repairs to scale used for weighing coal, three hundred and sixty (360) dollars; in favor of Richard Walsh, for hire of derrick and expenses incident thereto, used in storing coal, five hundred and ninety-three (593) dollars and twenty (20) cents; in favor of Philadelphia Electric Company, for wiring Spring Garden Pumping Station, storehouse and stable, two hundred and fifty-two (252) dollars and six (6) cents; in favor of Philadelphia and Reading Railway Company, for repairs to siding at Shawmont Pumping Station, two hundred and sixty-eight (268) dollars and nineteen (19) cents; in favor of the Pennsylvania Railroad Company, for supporting tracks, two hundred and eighty-five (285) dollars and fifty-seven (57) cents; total, one thousand seven hundred and fifty-nine (1,759) dollars and two (2) cents. Against Item 22, in favor of the John Baizley Iron Works, for fittings for Queen Lane Filter Plant, one hundred and forty-five (145) dollars.

Department of Wharves, Docks and Ferries: Against Item 22D, in favor of E. E. Bratton, for installing electric system in office building on Race Street Pier, eighty-eight (88) dollars and fifty (50) cents.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Directors of the Departments of Public Works and Public Safety to draw, and the City Controller to countersign, warrants in payment of wages of mechanics and laborers engaged on the Water Conservation Exhibit.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Director of the Department of Public Works be authorized and directed to draw, and the City Controller to countersign, warrants for the payment of wages of mechanics and laborers engaged on the Water Conservation Exhibit in the sum of one thousand nine hundred and thirty-eight (1,938) dollars and twelve (12) cents, to be charged against items in the appropriation to the Bureau of Water, as follows: Item 2E, one thousand four hundred (1,400) dollars and nineteen (19) cents; Item 3E, four hundred and seventy-eight (478) dollars and forty-three (43) cents, and Item 14E, fifty-nine (59) dollars and fifty (50) cents.

SECT. 2. The Director of the Department of Public Safety is hereby authorized and directed to draw, and the City Controller to countersign, warrants in payment of wages of mechanics and laborers engaged on the Water Conservation Exhibit in the sum of two hundred and seventeen (217) dollars and thirty-eight (38) cents, to be

charged against the items in appropriation to the Electrical Bureau and to the Bureau of City Property, as follows: Electrical Bureau, Item 1, twenty-two (22) dollars and eighty-five (85) cents; Item 2E, eighty (80) dollars; Bureau of City Property, Item 2, one hundred and fourteen (114) dollars and fifty-three (53) cents.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing that certain balances in the annual appropriations for the year 1912 to the Departments of Public Safety, Public Works, Clerks of Councils, Board of Recreation and Recorder of Deeds shall not merge December 31, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That all balances remaining to the credit of the following items in the annual appropriations for the year 1912 shall not merge December 31, 1912, viz.: Department of Public Safety (Bureau of Correction), Item 12, for bake ovens, etc.; Department of Public Works (Bureau of Highways), Item 9, meadow banks; (Bureau of Surveys), Item 11, completion of sewage investigation; Clerks of Councils, Item 2, printing; Board of Recreation, Item 11, apparatus, and Recorder of Deeds, Item 5.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, certain warrants in payment of supplies heretofore delivered during the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, certain warrants in amounts aggregating eleven thousand eight hundred and eighty-five (11,885) dollars and seventy-five (75) cents for supplies heretofore delivered during 1912, and chargeable against certain items, as follows: Department of Supplies (Mayor), Item 3, John C. Hancock & Company, for coal, ninety-one (91) dollars; Robert Henderson & Company, for coal, twenty-two (22) dollars and fifty (50) cents; Sidney J. Burgoyne, for envelopes, twenty-one (21) dollars and fifty-five (55) cents; (Law): Item 6, John Wanamaker, for stationery, nineteen (19) dollars and eighty-six (86) cents; Item 6E, John Wanamaker, for paper, twenty-two (22) dollars; (Health): Item 6, J. B. Leifried, for vegetables, etc., two hundred and sixty-seven (267) dollars and fifty-nine (59) cents; Item 6E, C. F. Bonsor & Co., Inc., for coffee, one hundred and twenty (120) dollars; Item 7E, F. T. Dunlap, for dry goods, etc., forty-five (45) dollars and twenty-five (25) cents; (Charities): Item 14, Robert McKnight & Sons, for flour, three thousand seven hundred and five (3,705) dollars and seventy-four (74) cents; Item 15E, Roesch Packing Company, for beef, two thousand nine hundred and thirty-two (2,932) dollars and ninety-five (95) cents; Item 20, Union Petroleum Co., for gasoline, thirty-four (34) dollars and forty-nine (49) cents; Item 21, Union Petroleum Co., for oil, fifty-five (55) dollars and fifty-five (55) cents; Item 21E, Union Petroleum Co., for oil, eighty-four (84) dollars and two (2) cents; Item 24, Loos & Dilworth, for oil and turpentine, three hundred and thirty (330) dollars and seventy-two (72) cents; Knickerbocker Lime Co., for plaster, twenty (20) dol-

lars; Walter T. Bradley Co., for cement, etc., one hundred and eighty-two (182) dollars and fifty (50) cents; N. Z. Graves Company, for white lead, three hundred and twenty-seven (327) dollars and fifty-seven (57) cents; Item 24E, Peoples Brothers, for sand, thirty-four (34) dollars and ninety-four (94) cents; Walter T. Bradley Co., for cement, etc., forty-nine (49) dollars and sixty-five (65) cents; Item 25, Textile Supply Company, for wool filling, etc., six hundred and thirty-six (636) dollars; Item 25B, Jos. N. Snellenburg, for yarn, twenty-three (23) dollars and sixty-three (63) cents; (Correction): Item 20, Eastburn & Company, for brooms, seventy-eight (78) dollars and seventy-five (75) cents; Item 27, John Kreutz, for gas lime, one hundred and fifty-nine (159) dollars and twenty-eight (28) cents; W. T. Bradley Company, for cement, eighty-four (84) dollars and fifty (50) cents; (Fire): Item 34E, Keystone Lubricating Co., for grease, one hundred (100) dollars; (Electrical): Item 43E, J. Alfred Clark, for grate bars, sixty-six (66) dollars and twelve (12) cents; (Highways): Item 2, Remington Typewriter Company, for typewriter, ninety-three (93) dollars and fifteen (15) cents; Item 3, Williams, Brown & Earle, for draughting materials, fifty-two (52) dollars and thirty-one (31) cents; (Surveys): Item 10E, J. H. Weil & Co., for tracing cloth, etc., forty-six (46) dollars and forty-six (46) cents; Item 11, Guenther Lumber Co., for lumber, forty (40) dollars; Item 11E, Guenther Lumber Co., for lumber, sixty-two (62) dollars and fifty (50) cents; Item 11B, Guenther Lumber Co., for lumber, twenty-three (23) dollars; (Water): Item 14E, J. H. Weil & Co., for draughting materials, one hundred and eleven (111) dollars and twenty-eight (28) cents; American Ice Co., for ice, thirty-four (34) dollars and fifty (50) cents; Item 16E, Phila. Grease Mfg. Co., for grease, one hundred and sixty-five (165) dollars and ninety (90) cents; Item 23, G. H. Clamer, for castings, eighty-eight (88) dollars and sixty-four (64) cents; Item 23E, G. H. Clamer, for castings, twenty-five (25) dollars and sixty-five (65) cents; (Wharves, Docks and Ferries): Item 1, Bingham Company, for stationery, etc., twenty-eight (28) dollars and seventy-six (76) cents; Item

3, Delaware Ship Supply Company, for groceries, seven hundred and nine (709) dollars and sixty (60) cents; Item 6, F. X. Mathis, Jr., for provisions, two hundred and seventy-one (271) dollars and twenty-nine (29) cents; (Dredges): Item 8, Delaware Ship Supply Co., for groceries, ninety-three (93) dollars and seventy-one (71) cents; Bougher & Bishop, for groceries, two hundred and sixteen (216) dollars and eighty-eight (88) cents; Simon & Dunlap, for vegetables, sixty-seven (67) dollars and sixty-one (61) cents; Item 10E, Union Petroleum Co., for oil, seventy-three (73) dollars and sixty-four (64) cents; Quaker City Rubber Co., for hose, etc., fifty (50) dollars and fifteen (15) cents; Atlantic Refining Co., for oil, one hundred and fourteen (114) dollars and fifty-six (56) cents.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Supplies, City Commissioners, Law and Register of Wills, for the year 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Supplies, City Commissioners, Law and Register of Wills, for the year 1912, viz.: Department of Public Safety (Bureau of Fire): From Item 1, for salaries, one thousand (1,000) dollars. Department of Supplies (Wharves, Docks and Ferries): From Item 12, for lumber, three hundred and

eight (308) dollars and sixty-six (66) cents. Department of Law: From Item 1, for salaries, three thousand two hundred (3,200) dollars; from Item 1½, for experts' bills in 1911, one hundred and seventy-five (175) dollars; from Item 4, for miscellaneous expenses, one thousand (1,000) dollars; from Item 5, for advertising, etc., nine hundred (900) dollars; from Item 6, for conveyancing, etc., seven hundred and twenty-five (725) dollars. Register of Wills: From Item 1, for salaries, eighty-three (83) dollars and thirty-three (33) cents, to the following:

Department of Supplies: To Item 3, for groceries, to pay bill of Bougher & Bishop, three hundred and eight (308) dollars and sixty-six (66) cents.

City Commissioners: To Item 48, to help defray the expenses of the Philadelphia County Fair Association, as provided by Act of Assembly, one thousand (1,000) dollars.

Department of Law: To Item 3, for experts, six thousand (6,000) dollars.

Register of Wills: To Item 3, for incidentals and repairs of books, eighty-three (83) dollars and thirty-three (33) cents.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment of supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That the Director of the*

Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating ten thousand two hundred and forty-six (10,246) dollars and sixteen (16) cents for supplies delivered between the awarding and the executing of certain contracts, and chargeable against certain Items, as follows: Department of Supplies (Mayor), Item 2, Dunlap Printing Company, for printing Preliminary Message, one hundred and fifty-four (154) dollars and ninety-three (93) cents; (Health): Item 8E, Walter C. Shipley, for coal, fifty (50) dollars and fifty (50) cents; (Charities): Item 14, Fleischmann Company, for yeast, one hundred and seventy (170) dollars; Item 18, Textile Supply Company, for dry goods, etc., two hundred and thirty-five (235) dollars and ninety-nine (99) cents; Item 19, Textile Supply Company, for mops, thirty-four (34) dollars; Item 19B, Textile Supply Company, for oil cloth, sixty-four (64) dollars and three (3) cents; (Correction): Item 17, Fleischmann Company, for yeast, fifty-two (52) dollars and fifty (50) cents; (Fire): Item 35, John C. Hancock & Company, for coal, ninety-five (95) dollars and fifty (50) cents; W. C. Shipley, for coal, Forty-seven (47) dollars and twenty-five (25) cents; Item 35E, American Ice Company, for coal, sixty-two (62) dollars; (Water): Item 16, Union Petroleum Company, for oil, one hundred and fifty-six (156) dollars; Item 18, J. Alfred Clark, for castings, six thousand seven hundred and seventy-six (6,776) dollars and eighty (80) cents; Item 18E, J. Alfred Clark, for castings, one thousand five hundred and twenty-seven (1,527) dollars and sixty-one (61) cents; Item 26E, David McMullin, Jr., for forage, eight hundred and nineteen (819) dollars and five (5) cents.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Commissioners of Fairmount Park, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of five hundred and twenty-five thousand two hundred and thirty-two (525,232) dollars and seventy-five (75) cents be, and the same is hereby appropriated to the Commissioners of Fairmount Park, for the year 1913, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Secretary, three thousand dollars	\$3,000
Clerk, one thousand four hundred dollars	1,400
Park solicitor, one thousand two hundred dollars	1,200

Total, five thousand six hundred dollars \$5,600

Item 2. *Services other than personal:*

Care and cleaning, five hundred dollars	\$500
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Item 3. *Supplies:*

Stationery and printing, two thousand five hundred dollars	\$2,500
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FIXED CHARGES.

Item 4. *Contributions:*

(a) Maintenance and care of the Zoological Garden, fifty thousand dollars	\$50,000
(b) Park guard pension fund, one thousand five hundred dollars	1,500

Total, fifty-one thousand five hundred dollars \$51,500

CARE OF PARKS.

OPERATION.

Item 5. *Personal services:*

(a) Salaries:

Chief engineer, four thousand five hundred dollars	\$4,500
Assistant engineer, one thousand six hundred and fifty dollars	1,650
Landscape gardener, two thousand dollars	2,000
Chief clerk, one thousand three hundred and fifty dollars	1,350
Messenger, nine hundred dollars	900
Park guard captain, two thousand dollars..	2000
Park guard lieutenant, one thousand five hundred dollars	1,500
Sergeants, 4 at \$3.25 per day, five thousand one hundred dollars	5,100
Guards, 109 at \$2.75 per day, one hundred and nine thousand four hundred and eight dollars and seventy-five cents	109,408 75
Ambulance driver, \$50 per month, six hundred dollars	600
Attendants, 6 at \$30 per month for 12 months, and 10 at \$30 per month for 6 months, three thousand nine hundred and sixty dollars	3,960
Rangers, 12 at \$2.75 per day, ten thousand three hundred and twenty-nine dollars..	10,329
(b) Labor, skilled and unskilled, one hundred and fifty thousand dollars	150,000
<i>Provided, That the 14 attendants at Memorial Hall shall receive \$2.50 per day each.</i>	
(c) Music, concerts afternoons and evenings, fifteen thousand dollars	15,000

Total, three hundred and eight thousand two hundred and ninety-seven dollars and seventy-five cents \$308,297 75

Item 6. *Services other than personal:*

(a) Carfare, thirty-five dollars.....	\$35
(b) Care of automobile, one hundred and twenty dollars	120
(c) Communication service, one hundred and fifty dollars	150
(d) Electric and gasoline lighting, roads and parks, forty-nine thousand five hundred dollars	49,500

Total, forty-nine thousand eight hundred and five dollars \$49,805

Item 7. *Supplies:*

(a) Stationery and printing blanks, one thousand three hundred and fifty dollars.....	\$1,350
(b) Coal, six thousand five hundred dollars....	6,500
(c) Uniforms, five thousand five hundred dollars	5,500
(d) Hay, oats, etc., one thousand dollars.....	1,000
(e) Forage for live stock, one thousand seven hundred and fifty dollars.....	1,750
(f) Oil for sprinkling roads, five thousand dollars	5,000
(g) Miscellaneous, one hundred and twenty-five dollars	125

Total, twenty-one thousand two hundred and twenty-five dollars \$21,225

MAINTENANCE.

Item 8. *Materials:*

(a) General repairs and renewals to buildings, including Memorial and Horticultural Halls, erection of shelters, retiring houses, improving water supply, purchase of and repairs to sprinkling wagons, settees and picnic tables, twenty-one thousand two hundred and fifty dollars..	\$21,250
(b) For various maintenance work, twenty-four thousand dollars	24,000

Total, forty-five thousand two hundred and fifty dollars \$45,250

Item 9. *Supplies:*

(a) Materials and supplies for automobile, three hundred and sixty-five dollars	\$365
(b) Fertilizers and manure, two thousand two hundred dollars	2,200
Total, two thousand five hundred and sixty-five dollars	\$2,565

Item 10. *Equipment:*

Mowing machines, four hundred dollars.....	\$400
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CAPITAL OUTLAY.

Item 11. *Shade trees:*

For planting and care of trees on City streets, twenty thousand dollars	\$20,000
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AQUARIUM.

OPERATION.

Item 13. *Personal services:*

Salaries:

Director, three thousand dollars.....	\$3,000
Office assistant and stenographer, one thousand dollars	1,000
Attendants, 10 at \$800 each, eight thousand dollars	8,000
Pumpman, nine hundred dollars.....	900
Lavatory attendants, 2 at \$720 each, one thousand four hundred and forty dollars.....	1,440

Total, fourteen thousand three hundred and forty dollars	\$14,340
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Item 14. *Supplies:*

Purchase of fish, supplies, transportation and incidentals, three thousand two hundred and fifty dollars	\$3,250
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Provided, That before Item 4 (a), for Zoological Garden, shall become available, Councils shall be represented in the Board of Managers of said institution by one member from Select Council and one member from Common Council, to be selected by each branch thereof: *Provided further*, That before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that the provisions of the ordinance of Councils entitled "An Ordinance for the employment of only American citizens by contractors doing work for the City of Philadelphia," approved December 16, 1896, has been complied with: *And provided*, That any balances remaining in Items 15, 28 and 32 in the annual appropriation to the Commissioners, for the year 1912, shall not merge December 31, 1912.

And warrants shall be drawn by the said Commissioners in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of City Controller, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-two thousand six hundred (\$2,600) dollars be, and the same is hereby appropriated to the Department of City Controller, for the year 1913, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

City Controller, eight thousand dollars.....	\$8,000
Deputy Controller, three thousand five hundred dollars	3,500
Stenographer and typewriter, one thousand dollars	1,000
Custodian of records, one thousand dollars....	1,000
Messenger and clerk, one thousand three hundred and fifty dollars	1,350
Janitor, six hundred dollars	600
Record filing clerk, one thousand dollars.....	1,000

Total, sixteen thousand four hundred and fifty dollars \$16,450

Item 2. *Services other than personal:*

(a) Meals for overtime work, one hundred and seventy-five dollars	\$175
(b) Special and miscellaneous and communication service, one hundred and twenty-five dollars	125

Total, three hundred dollars..... \$300

Item 3. *Supplies:*

(a) Stationery and office supplies, eight hundred dollars	\$800
(b) Printing and binding City warrants for the several departments, one thousand four hundred and fifty dollars.....	1,450

Total, two thousand two hundred and fifty dollars \$2,250

Provided, That the City Controller shall not be required to advertise for the printing and binding of warrants.

ACCOUNTING AND REPORTING.

ADMINISTRATION.

Item 4 *Personal services:*

(a) Salaries:

Chief accountant, two thousand five hundred dollars	\$2,500
Bookkeeper, two thousand dollars	2,000
Examiners of accounts, 2 at \$2,000 each, four thousand dollars	4,000
Registrar of appropriations, one thousand eight hundred dollars	1,800
Registrar of contracts, one thousand eight hundred dollars	1,800
Register of bills, 3 at \$1,350 each, four thousand and fifty dollars	4,050
Return clerk, one thousand three hundred and fifty dollars	1,350
Register of warrants, one thousand two hundred dollars	1,200
Property clerk, one thousand two hundred dollars	1,200
Expenditure analysis clerk, one thousand two hundred dollars	1,200
Miscellaneous clerk, nine hundred dollars	900

(b) Compensation for special services—preparation of monthly statement for the Finance Committee, one thousand five hundred dollars	1,500
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Total, twenty-three thousand five hundred dollars \$23,500

Item 5. *Services other than personal:*

Printing the annual report of the City Controller and preparing the annual statement for the Finance Committee, eight hundred dollars	\$800
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AUDITING RECEIPTS.

ADMINISTRATION.

Item 6. *Personal services:*

(a) Salaries:

Chief auditor, three thousand five hundred dollars	\$3,500
General auditor, two thousand dollars	2,000
Tax auditors, 8 at \$1,500 each, twelve thousand dollars	12,000
Water auditors, 5 at \$1,350 each, six thousand seven hundred and fifty dollars	6,750
Gas auditor, one thousand dollars	1,000
Miscellaneous clerk, one thousand three hundred and fifty dollars	1,350

(b) Salaries and wages for extra help and compensation for special services—for preparing registers of delinquent taxes, five hundred dollars	500
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Total, twenty-seven thousand one hundred dollars \$27,100

Item 7. *Services other than personal:*

Binding records, one hundred dollars	\$100
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AUDITING EXPENDITURES.

ADMINISTRATION.

Item 8. *Personal services:*

Salaries:

Chief department auditor, two thousand dollars	\$2,000
Department auditors, 5 at \$1,500 each, seven thousand five hundred dollars	7,500
Warrant delivery clerk, one thousand four hundred dollars	1,400

Assistant warrant delivery clerk and miscellaneous clerk, one thousand two hundred dollars	\$1,200
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Total, twelve thousand one hundred dollars \$12,100

And warrants shall be drawn in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Law, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and seventy-seven thousand nine hundred and ninety (177,990) dollars be, and the same is hereby appropriated to the Department of Law, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Solicitor, ten thousand dollars.....	\$10,000
First assistant, six thousand dollars.....	6,000
Assistant, five thousand dollars.....	5,000
Assistants, 5 at \$4,000 each, twenty thousand dollars	20,000
Assistants, 8 at \$3,000 each, twenty-four thousand dollars	24,000

Assistants, 2 at \$2,500 each, five thousand dollars	\$5,000
Assistants, 5 at \$2,400 each, twelve thousand dollars	12,000
Assistants, 3 at \$2,000 each, six thousand dollars	6,000
Assistants, 3 at \$1,800 each, five thousand four hundred dollars	5,400
Assistants, 6 at \$1,500 each, nine thousand dollars	9,000
Cashier, one thousand eight hundred dollars..	1,800
Confidential clerk, one thousand five hundred dollars	1,500
Clerk, one thousand five hundred dollars....	1,500
Stenographers, 2 at \$1,500 each, three thousand dollars	3,000
Clerks, 4 at \$1,400 each, five thousand six hundred dollars	5,600
Stenographers or clerks, 5 at \$1,250 each, six thousand two hundred and fifty dollars....	6,250
Clerks, 7 at \$1,200 each, eight thousand four hundred dollars	8,400
Clerks, 5 at \$1,000 each, five thousand dollars	5,000
Writ servers, 2 at \$1,000 each, two thousand dollars	2,000
Messengers, 2 at \$1,000 each, two thousand dollars	2,000
Custodian, one thousand dollars.....	1,000
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Librarian, nine hundred dollars.....	900
Matron, one thousand dollars.....	1,000
Special evidence agent, one thousand five hundred dollars	1,500
Cleaners, 2 at \$420 each, eight hundred and forty dollars	840
(b) Witness fees, two thousand dollars.....	2,000
(c) Prothonotary's costs, magistrates costs, and expenses of City cases	1,000

(d) Expert service, fifteen thousand dollars....	\$15,000
(e) Expenses for conveyancing, one thousand dollars	1,000

Total, one hundred and sixty-five thousand
four hundred and ninety dollars.....\$165,490

Item 2. *Services other than personal:*

Advertising, affidavits, postage, serving notices,
and blue prints, ten thousand dollars..... \$10,000

Item 3. *Supplies:*

Miscellaneous, two thousand dollars..... \$2,000

Item 4. *Equipment:*

Law books, five hundred dollars..... \$500

Provided, That no assistant or assistants, nor any member of a law firm with which any assistant or assistants may be associated in the practice of law, or otherwise, shall be employed, engaged, or render service or services as counsel or attorney against the City, in any Court proceeding or proceedings, in which the City and County of Philadelphia, or any Department or Bureau thereof, directly or indirectly, may be a party, either in a civil or criminal case, under penalty of immediate dismissal.

And warrants shall be drawn by the City Solicitor in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Board of Recreation,
for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and twenty thousand eight hundred and forty (120,840) dollars be, and the same is hereby appropriated to the Board of Recreation, for the year 1913, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries.

Executive secretary, three thousand dollars . . .	\$3,000
Stenographer, eight hundred dollars	800
Messenger, six hundred dollars	600
Principal, one thousand four hundred dollars.	1,400
Principals, 7 at \$1,200 each, eight thousand four hundred dollars	8,400
Assistant principals, 6 at \$1,000 each, six thousand dollars	6,000
Teacher, nine hundred and eighty dollars . . .	980
Teachers, 17 at \$960 each, sixteen thousand three hundred and twenty dollars	16,320
Assistant teachers, 28 at \$780 each, twenty-one thousand eight hundred and forty dollars . . .	21,840
Caretakers, 4 at \$800 each, three thousand two hundred dollars	3,200
Caretakers, 13 at \$720 each, nine thousand three hundred and sixty dollars	9,360
Assistant caretakers, 4 at \$600 each, two thousand four hundred dollars	2,400
Janitors, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760
Assistant janitors, 7 at \$600 each, four thousand two hundred dollars	4,200

Watchmen, 6 at \$720 each, four thousand three hundred and twenty dollars	\$4,320
Watchmen, 8 at \$600 each, four thousand eight hundred dollars	4,800
(b) Temporary employees, piano players, teachers of swimming, etc., two thousand two hundred and twenty dollars	2,220
(c) Laborers, one thousand dollars	1,000
(d) Cleaning office, three hundred and sixty dollars	360
Total, ninety-six thousand nine hundred and sixty dollars	\$96,960

Item 2. *Services other than personal:*

(a) Hire of vehicles, transportation and communication service, one hundred and seventy-five dollars	\$175
(b) Uniforms, 6, two hundred and forty dollars	240
(c) Printing, three hundred dollars	300
(d) Electric light for playgrounds, five thousand dollars	5,000
Total, five thousand seven hundred and fifteen dollars	\$5,715

Item 3. *Supplies:*

(a) Stationery and office supplies, four hundred dollars	\$400
(b) Towels, soap, ice and miscellaneous, two hundred and sixty-five dollars	265
(c) Fuel for heating buildings on playgrounds, two thousand dollars	2,000
Total, two thousand six hundred and sixty-five dollars	\$2,665

MAINTENANCE.

Item 4. *Services other than personal:*

- (a) General repairs for playgrounds, twelve thousand dollars \$12,000
 (b) Removing snow, etc., one thousand dollars.. 1,000
-

Total, thirteen thousand dollars ... \$13,000

CAPITAL OUTLAY.

Item 5. *Equipment:*

- (a) Play material, apparatus, appliances and appurtenances, one thousand dollars \$1,000

- Item 6. Planting trees, shrubs, etc., one thousand five hundred dollars \$1,500

Provided, That for the payment of the salaries of the principals, assistant principals, teachers, assistant teachers, caretakers, assistant caretakers, janitors, assistant janitors, watchmen, special officers, and all other permanent or temporary employees embraced in Item 1, one warrant shall be drawn in the name of the executive secretary, and payment to said employees shall thereupon be made by such executive secretary: *And provided*, That the said Board shall be allowed, when they deem it to the best interest of the City, to purchase or contract without advertising bills not exceeding the sum of five hundred (500) dollars.

And warrants shall be drawn by the Board of Recreation in accordance with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of City Commissioners, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one million three hundred and seventy-five thousand and twenty (1,375,020) dollars be, and the same is hereby appropriated to the Department of City Commissioners, for the year 1913, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Commissioners, 3 at \$5,000 each, fifteen thousand dollars	\$15,000
Chief Clerk, two thousand five hundred dollars	2,500
Superintendent of elections, two thousand dollars	2,000
Election clerk, one thousand six hundred dollars	1,600
Election clerk, one thousand two hundred dollars	1,200
Warrant clerk, one thousand two hundred dollars	1,200
Election clerk, one thousand two hundred and fifty dollars	1,250
Miscellaneous clerks, 2 at \$1,000 each, two thousand dollars	2,000
Miscellaneous clerks, 2 at \$900 each, one thousand eight hundred dollars.....	1,800
Janitress, at \$45 per month, five hundred and forty dollars	540

(b) Overtime work and specially engaged men at election time, two thousand dollars..... 2,000

(c) To pay per diem men regularly employed, 3 at \$3.50 per day, 3 at \$3 per day and 1 at \$2.50 per day, six thousand dollars..... 6,000

(d) Extra clerk hire, six thousand dollars	\$6,000
(e) Fees, attorney for commissioners, two thousand dollars	2,000
Total, forty-five thousand and ninety dollars	\$45,090

Provided, That the City Commissioners may, at their discretion, assign any of the foregoing employees to primary election work, and draw warrants in payment of their salaries, while so employed, against the item for primary election account, and the City Controller is authorized to countersign warrants so drawn. *Provided also*, That when any of the foregoing employees are assigned to extra or overtime on election work, warrants for their pay, while so employed, may be drawn against the item for primary election account.

Item 2. *Services other than personal:*

Postage, printing, advertising and miscellaneous, six hundred dollars	\$600
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Item 3. *Supplies:*

(a) Stationery, newspapers, cleaning and toilet, six hundred and thirty-five dollars	\$635
(b) Ice, one hundred dollars	100
Total, seven hundred and thirty-five dollars	\$735

CAPITAL OUTLAY.

Item 4. *Equipment:*

Furniture and furnishings, four hundred and twenty-five dollars	\$425
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STATE AND COUNTY COURTS.

ADMINISTRATION.

Item 5. *Personal services:*

(a) Salaries:	
Officers of Courts of Common Pleas, 49 at \$2,000 each, ninety-eight thousand dollars . .	\$98,000

Officers for Orphans' Court, 14 at \$2,000 each, twenty-eight thousand dollars	\$28,000
Officers for Courts of Quarter Sessions, 36 at \$2,000 each, seventy-two thousand dollars	72,000
Criers for Courts of Quarter Sessions, 3 at \$2,250 each, six thousand seven hundred and fifty dollars	6,750
Clerk to Board of Jurors, two thousand dollars	2,000
Court stenographers, 13 at \$2,500 each, thirty- two thousand five hundred dollars	32,500
Parole officers for prisoners on probation, 2 at \$1,000 each, two thousand dollars	2,000
Court interpreters, 5 at \$1,500 each, seven thou- sand five hundred dollars	7,500
(b) Jurors' fees, \$2.50 per day per juror, one hundred thousand dollars	100,000
(c) Witness fees for Quarter Sessions Courts at \$1.50 per day per witness, two thousand five hundred dollars	2,500
Total, three hundred and fifty-one thou- sand two hundred and fifty dollars	\$351,250

Item 6. *Services other than personal:*

(a) Coach hire for visits of grand jurors to institutions, five hundred dollars	\$500
(b) Meals for jurors, one thousand dollars	1,000
(c) Postage, printing and miscellaneous, Su- preme Court, two hundred and fifty dollars ..	250
(d) Postage and printing, Courts of Common Pleas, one thousand dollars	1,000
(e) Postage, printing and miscellaneous, parole officers, 2 at \$100 each, two hundred dollars ..	200
(f) Printing, Clerks of Quarter Sessions, 3 at \$33.33 each, one hundred dollars	100

Total, three thousand and fifty dollars... \$3,050

Item 7. *Supplies:*

(a) Stationery, Supreme Court, one hundred dol- lars	\$100
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(b) Stationery, Courts of Common Pleas, 5 at \$150 each, seven hundred and fifty dollars...	\$750
(c) Stationery, Clerks of Quarter Sessions, 3 at \$100 each, three hundred dollars.....	300
(d) Uniforms of officers and criers of Courts of Quarter Sessions, 39 at \$40 each, one thousand five hundred and sixty dollars	1,560

Total, two thousand seven hundred and ten dollars \$2,710

CAPITAL OUTLAY.

Item 8. *Equipment:*

(a) Legal books and papers, Supreme Court, one hundred and fifty dollars.....	\$150
(b) Legal books, papers and equipment, Courts of Common Pleas, 5 at \$150 each, seven hundred and fifty dollars.....	750
(c) Legal books, papers and equipment, Clerks of Quarter Sessions, 3 at \$200 each, six hundred dollars	600

Total, one thousand five hundred dollars.. \$1,500

• PROBATION OFFICERS, JUVENILE COURT.

ADMINISTRATION.

Item 9. *Personal services:*

Salaries:

Chief probation officer, at \$100 per month, one thousand two hundred dollars.....	\$1,200
Probation officers, 19 at \$65 per month, fourteen thousand eight hundred and twenty dollars	14,820
Stenographer for chief probation officer, four hundred and twenty dollars	420

Total, sixteen thousand four hundred and forty dollars \$16,440

Item 10. *Services other than personal:*

(a) Transportation, eight hundred dollars	\$800
(b) Communication service, three hundred and fifty-five dollars	355
(c) Printing, one hundred dollars	100
Total, one thousand two hundred and fifty- five dollars	\$1,255

CAPITAL OUTLAY.

Item 11. *Equipment:*

Furniture and fixtures, sixty-five dollars.	\$65
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FIXED CHARGES.

Item 12. Office rents for probation officers in various parts of Philadelphia, seven hundred and fifty dollars	\$750
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HOUSE OF DETENTION.

OPERATION.

Item 13. *Personal services:*

Salaries:

Superintendent, two thousand dollars.	\$2,000
Assistant superintendent, one thousand two hundred dollars	1,200
Clerks, 2 at \$600 each, one thousand two hun- dred dollars	1,200
Engineer, seven hundred and eighty dollars. .	780
Assistant engineer, six hundred dollars.	600
Doorkeeper, five hundred and forty dollars. . .	540
Janitor, seven hundred and twenty dollars. .	720
Guards, 2 at \$720 each, one thousand four hun- dred and forty dollars.	1,440
Guards, 5 at \$600 each, three thousand dollars	3,000
Housekeeper, four hundred and eighty dollars	480
Maids, 4 at \$400 each, one thousand six hun- dred dollars	1,600

Cook, three hundred and sixty dollars	\$360
Kitchen maid, two hundred and forty dollars..	240
Psychiatrist and director, six hundred dollars	600
Medical examiner for boys, six hundred dollars	600
Medical examiner for girls, three hundred dollars	300
Mental examiner and child study expert, nine hundred and twenty dollars.....	920

Total, sixteen thousand five hundred and eighty dollars \$16,580

Item 14. *Services other than personal:*

(a) Telephone, three hundred dollars.....	\$300
(b) Furnishing light and heat, four hundred and fifty dollars	450

Total, seven hundred and fifty dollars... \$750

Item 15. *Supplies:*

(a) Office supplies, two hundred and fifty dollars	\$250
(b) Fuel, coal, nine hundred dollars.....	900
(c) Cleaning and toilet supplies, laundry supplies, soap and disinfectant, five hundred dollars	500
(d) Clothing, three hundred dollars.....	300
(e) Bread, butter and eggs, one thousand and fifty dollars	1,050
(f) Milk, five hundred dollars.....	500
(g) Meat and fish, seven hundred dollars.....	700
(h) Vegetables and groceries, one thousand and fifty dollars	1,050

Total, five thousand two hundred and fifty dollars \$5,250

Provided, That any balance remaining to the credit of maintenance for House of Detention shall not merge December 31, 1913: *Provided also*, That the City Commis-

sioners be authorized to draw, and the City Controller to countersign, warrants for the purchase of supplies and payment of miscellaneous expenses of the salaries and wages of officers and servants employed by the Board of Managers upon certificate of said Board as to their correctness, accompanied by itemized bills of said supplies and expenses.

LAND DAMAGES.

ADMINISTRATION.

Item 16. *Personal services:*

(a) Salaries:

Board of Viewers, 9 at \$5,000 each, forty-five thousand dollars	\$45,000
Chief clerk, two thousand dollars.....	2,000
Assistant clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Clerk and messengers, 4 at \$1,000 each, four thousand dollars	4,000
Stenographer, one thousand five hundred dollars	1,500
Janitor, six hundred dollars.....	600

(b) Road Jurors, \$2 per meeting per juror, one thousand dollars	1,000
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(c) Special fees, affidavits, stenographic reports of hearings, three thousand five hundred dollars	3,500
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Total, sixty thousand dollars..... \$60,000

Item 17. *Services other than personal:*

(a) Communication and miscellaneous services, four hundred and ninety dollars	\$490
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(b) Printing forms, notices, letterheads, advertising and publication of notices, six hundred and fifty dollars	650
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Total, one thousand one hundred and forty dollars

\$1,140

Item 18. *Supplies:*

Office drafting, cleaning and toilet supplies and ice, eight hundred and sixty dollars	\$860
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ASSESSMENT OF VOTERS.

ADMINISTRATION.

Item 19. *Personal services:*

Salaries:

Assessors of voters for September, 1,250 at \$44 each, fifty-five thousand dollars.....	\$55,000
Assessors of voters for December, 1,250 at \$38.50 each, forty-eight thousand one hun- dred and twenty-five dollars.....	48,125

Total, one hundred and three thousand one hundred and twenty-five dollars.....	\$103,125
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Item 20. *Services other than personal:*

Printing assessors' lists, ten thousand dollars..	\$10,000
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Provided, That 150 copies of the September assessment for each division shall be printed in September: *Provided further*, That the contractor be required to do the work in the City of Philadelphia: *Provided also*. Contracts shall be awarded to contractors who pay the recognized rate of wages adopted by the Typographical Union.

REGISTRATION OF VOTERS.

ADMINISTRATION.

Item 21. *Personal services:*

(a) Salaries:

Registration commissioners, 4 at \$3,000 each, twelve thousand dollars.....	\$12,000
Recorder, two thousand five hundred dollars..	2,500
Stenographer and clerk, one thousand five hun- dred dollars	1,500
Clerk, one thousand two hundred dollars.....	1,200

Messenger, eight hundred and forty dollars...	\$840
Attorney, one thousand dollars.....	1,000
(b) Election division registrars, 3 at \$10 each per diem for 3 days in 1,250 registration di- visions, one hundred and twelve thousand five hundred dollars	112,500
(c) Extra clerk hire, one thousand seven hundred and twenty dollars	1,720

Total, one hundred and thirty-three thou-
sand two hundred and sixty dollars..\$133,260

Item 22. *Services other than personal:*

(a) Automobile hire, meals, postage, advertising and miscellaneous, three hundred and forty dol- lars	\$340
(b) Printing street lists, ten thousand three hun- dred and seventy dollars.....	10,370
(c) General printing, two thousand nine hundred and eighty dollars.....	2,980
(d) Storage of registration books, etc., two hun- dred and seventy dollars.....	270

Total, thirteen thousand nine hundred and
sixty dollars

Item 23. *Supplies:*

Stationery and ice	\$125
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FIXED CHARGES.

Item 24. Rent of rooms in which registrations are held, 1,250 divisions for 3 days at \$5 per day, eighteen thousand seven hundred and fifty dollars	\$18,750
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CAPITAL OUTLAY.

Item 25. Office furniture, one hundred and fifty dollars	\$150
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PRIMARY ELECTION.

ADMINISTRATION.

Item 26. *Personal services:*

(a) Salaries:

Judges of election, 1,250 at \$4.50 each, five thousand six hundred and twenty-five dollars	\$5,625
Inspectors of election, 2,500 at \$2.50 each, six thousand two hundred and fifty dollars....	6,250
Clerks of election, 2,500 at \$2.50 each, six thousand two hundred and fifty dollars....	6,250
(b) Extra help for per diem and overtime, six thousand eight hundred dollars.....	6,800
(c) Extra help on account of extra work required because of additional parties on ballot, two thousand dollars	2,000

Total, twenty-six thousand nine hundred and twenty-five dollars..... \$26,925

Provided, That any extra help that may be employed for primary election work shall be paid out of the primary election item, and the City Controller is authorized to countersign warrants so drawn.

Item 27. *Services other than personal:*

(a) Hauling and distribution of ballots, three hundred dollars	\$300
(b) Meals for men engaged in storing ballot boxes on night of primary election, fifty dollars....	50
(c) Postage, two hundred and fifty dollars.....	250
(d) Printing of official ballots, sample ballots, tally sheets, return sheets, statements, etc., for 1,250 divisions, thirty-five thousand dollars...	35,000
(e) General printing, six thousand one hundred and fifty dollars	6,150
(f) Advertising primary election in newspapers, one thousand two hundred dollars.....	1,200

(g) Special and miscellaneous, one thousand dollars \$1,000

Total, forty-three thousand nine hundred and fifty dollars \$43,950

Item 28. *Supplies:*

Stationery, ballot markers, rubber stamps, ink, etc., nine hundred dollars \$900

FIXED CHARGES.

Item 29. Rent of rooms in which primary elections are held, 1,250 at \$12.50 per division, fifteen thousand six hundred and twenty-five dollars \$15,625

HOLDING GENERAL ELECTION.

ADMINISTRATION.

Item 30. *Personal services:*

(a) Salaries:

Judges of election, 1,250 at \$15 each, eighteen thousand seven hundred and fifty dollars . . . \$18,750

Inspectors of election, 2,500 at \$5 each, twelve thousand five hundred dollars 12,500

Clerks of election, 2,500 at \$5 each, twelve thousand five hundred dollars 12,500

(b) Extra clerks used in computing and counting election returns, two thousand five hundred dollars 2,500

Total, forty-six thousand two hundred and fifty dollars \$46,250

Item 31. *Services other than personal:*

(a) Automobile hire, changing election booths and delivering ballot boxes, meals for police and men engaged in storing ballot boxes, and postage, five hundred and seventy dollars . . . \$570

- (b) Printing books and blank cards for election officers, sample tickets for voters, assessors' books, printing and binding election tickets for each election division, to be used for voting, thirty-four thousand six hundred and thirty-six dollars \$34,636

Provided, That instead of advertising the City Commissioners may ask for written proposals from not less than three responsible parties for the printing of election tickets and all necessary election papers: *Provided further*, That work for printing shall be done in the City of Philadelphia and awarded only to contractors who pay the recognized rate of wages adopted by the Typographical Union.

- (c) Storage of ballot boxes, election booths, etc., one hundred and forty-four dollars 144
 (d) Miscellaneous charges at election polls, four hundred and fifty dollars 450

Total, thirty-five thousand eight hundred dollars \$35,800

Item 32. *Supplies*:

- Stationery, ballot markers, pens, holders, ink, rubber bands, etc., nine hundred dollars . . . \$900

FIXED CHARGES.

- Item 33. Rent of rooms for election, 1,250 at \$25 per division, thirty-one thousand two hundred and fifty dollars \$31,250

CAPITAL OUTLAY.

- Item 34. Equipment—purchasing new election booths, one thousand four hundred dollars . . . \$1,400

MAGISTRATES AND FINES FOR CRUELTY.

Item 35. *Personal services*:

(a) Salaries:

- Magistrates, 28 at \$3,000 each, eighty-four thousand dollars \$84,000

(b) To Pennsylvania Society for Prevention of Cruelty to Animals and Women's Society for Prevention of Cruelty to Animals, two thousand five hundred dollars	\$2,500
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Total, eighty-six thousand five hundred dollars	\$86,500
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CARE DEFECTIVE, DEPENDENT AND DELIN- QUENT PERSONS.

OPERATION.

Item 36. *Services other than personal:*

(a) State Hospital for Insane, southeastern district of Pennsylvania, Norristown, one hundred and fifty-eight thousand dollars.....	\$158,000
(b) Care of boys and girls committed to Glen Mills Schools, thirty-one thousand dollars....	31,000
(c) Keep of prisoners of Philadelphia County in Eastern Penitentiary, fifteen thousand dollars	15,000
(d) Pennsylvania Reformatory for boys at Huntingdon, seventeen thousand eight hundred dollars	17,800
(e) Incurables at Wernersville, twenty thousand five hundred dollars.....	20,500
(f) Children committed from Philadelphia County to industrial schools, and for indigent and dependent persons, nine thousand dollars	9,000
(g) Care of inmates at State Lunatic Hospital, Harrisburg, two hundred dollars.....	200
(h) Care of inmates at State Hospital for the Insane, Danville, one thousand two hundred dollars	1,200
(i) Maintenance of at least 30 blind men in Pennsylvania Working Home for Blind Men, Philadelphia, five thousand dollars.....	5,000

(j) Expenses of Board of Visitation to juvenile children detained in homes or institutions, five hundred dollars	\$500
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Total, two hundred and fifty-eight thousand two hundred dollars.....\$258,200

CONTRIBUTIONS TO MILITARY ORGANIZATIONS.

FIXED CHARGES.

Item 37. *Support and Maintenance of Military Organizations:*

(a) First Brigade Headquarters, five hundred dollars	\$500
First Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars.....	6,500
Second Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars.....	6,500
Third Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars.....	6,500
Sixth Regiment, Cos. E, K, L, M, and band, 5 at \$500 each, two thousand five hundred dollars	2,500
Naval force of Pennsylvania, Cos. A and B, 2 at \$500 each, one thousand dollars.....	1,000
State Fencibles, Battalion Cos. A, B, C, D, 4 at \$500 each, two thousand dollars.....	2,000
Engineer Battalion, Co. B, five hundred dollars	500
Troops A, G, First City Troop, Second City Troop (First Squadron Cavalry), 4 at \$500 each, two thousand dollars.....	2,000
Expenses of the spring practice marches of the Second City Troop, five hundred dollars....	500

Provided, That the City Controller shall countersign no warrants in this item in favor of the commanding officer of any company, unless it

shall be certified to the City Controller by the Adjutant General of the State that the said company satisfactorily has passed the annual inspection provided by law: *Provided however*, That in the case of the companies of the Infantry Battalion, State Fencibles, the City Controller is authorized to accept the certificate of the Director of the Department of Public Safety, and also certified by the commanding officer of each company, that the money appropriated in said item for said company has been used and expended solely and exclusively for the support and maintenance, discipline and training of said company, for which he shall account by proper vouchers to the said City Controller: *Provided also*, That no appropriation shall be made for any subsequent year until the expenditures of the previous year have been duly and satisfactorily accounted for.

(b) Support and maintenance of the Old Guard of the Second Regiment Infantry, N. G. P. of Philadelphia, five hundred dollars	\$500
(c) Support and maintenance, incidentals and other expenses of the Old Guard, Infantry Corps, N. G. P., five hundred dollars.....	500
(d) Burial of indigent soldiers, sailors and marines at \$50 as maximum allowance, ten thousand dollars	10,000

Provided, That a certificate from the City Commissioners, properly signed by the commissioners appointed by them, shall be sufficient evidence for the payment of the same.

Total, thirty-nine thousand five hundred dollars \$39,500

Provided, That the City Controller may countersign warrants on Items 5 b and c, 6 c. 35 b, 36 a, b, c, d, e, f, g, h, i and j, 37 a and d, for bills of 1912: *Provided further*, That the City Commissioners shall draw no

warrants for the pay of assessors or election officers in any division unless said assessors or election officers shall have returned the election laws and Bibles in good order to the office of said Commissioners, and the City Controller shall countersign no warrants for rent of rooms until he is satisfied that it is for the actual occupant of the premises at the time of the election: *Provided also*, That the said Commissioners shall prepare, under the supervision of the Committee on Finance, suitable specifications for all stationery, paper, printing and binding, fuel, advertising supplies, work and material required, and shall advertise for same in accordance with existing ordinances of Councils, excepting as hereinafter provided: *Provided further*, That instead of advertising for printing and binding election tickets and election blanks, printing assessors' lists and printing registrars' street lists, the said Commissioners may, from time to time, ask for written proposals for such work and materials from not less than three responsible parties doing business in Philadelphia. Contracts shall be awarded to the lowest responsible bidder, but only such contractor or contractors who comply with the ordinance of Councils approved December 10, 1901, providing for the payment of the recognized rate of wages, hours of labor, etc.

And warrants shall be drawn by the City Commissioners in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Mayor, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four

hundred and thirty-seven thousand four hundred and forty (437,440) dollars be, and the same is hereby appropriated to the Mayor, for the year 1913, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Mayor, twelve thousand dollars	\$12,000
Secretary, six thousand dollars	6,000
Statistician, two thousand four hundred dollars	2,400
Chief clerk, two thousand dollars	2,000
Clerk, one thousand five hundred dollars	1,500
Confidential clerk and stenographer, one thousand two hundred dollars	1,200
Clerk, one thousand two hundred dollars	1,200
Stenographers, 2 at \$1,000 each, two thousand dollars	2,000
Messenger, one thousand two hundred dollars ..	1,200
Chauffeur, one thousand two hundred dollars ..	1,200
Messenger, six hundred dollars	600
Cleaners, 2 at \$360 each, seven hundred and twenty dollars	720

(b) Salaries and wages for extra help, one thousand dollars

1,000

(c) Loan and transfer agent, eighteen thousand dollars

18,000

(d) Reward for the detection of crime, upon the approval of the Presidents of Select and Common Councils, five hundred dollars

500

Total, fifty-one thousand five hundred and twenty dollars

\$51,520

Item 2. *Services other than personal:*

(a) Communication service, hire of vehicles, meals, hotel expenses, transportation of persons and things, repairs, towel supply, one thousand six hundred dollars.....

\$1,600 .

- (b) Advertising ordinances, seventeen thousand five hundred dollars \$17,500
- (c) Advertising, miscellaneous, two thousand five hundred dollars..... 2,500

Provided, That in ordinance and miscellaneous advertising the rate for advertising ordinances shall not exceed ten (10) cents per line for papers that have a bona fide circulation up to and including 50,000; fifteen (15) cents per line for papers that have a circulation between 50,000 and 125,000; and twenty (20) cents per line for papers that have a circulation of over 125,000:

Provided further, That all ordinances be printed in all the editions of the newspapers accepting such advertisement, in agate type.

- (d) Storage, care and repairs of automobile, one thousand five hundred dollars..... 1,500

Total, twenty-three thousand one hundred dollars \$23,100

- Item 3. Special and miscellaneous expenses, one thousand four hundred dollars \$1,400
- Item 4. Official entertaining, one thousand five hundred dollars \$1,500
- Item 5. Rent of site of temporary convention hall, two thousand one hundred dollars \$2,100

FREE LIBRARY OF PHILADELPHIA.

Item 6.

- (a) Salaries, ninety-seven thousand three hundred dollars \$97,300
- (b) Rent, twenty-one thousand five hundred dollars 21,500
- (c) Bindery, ten thousand dollars 10,000
- (d) Electricity, three thousand five hundred dollars 3,500
- (e) Insurance, two thousand dollars 2,000

(f) General expense, four thousand five hundred dollars	\$4,500
(g) Alterations and repairs, four thousand dollars	4,000
(h) Books, twenty-five thousand dollars	25,000
(i) Maintenance of thirteen completed Carnegie branches, eighty-two thousand five hundred and twenty dollars	82,520
(j) Repairs to Carnegie branches, one thousand dollars	1,000

Total, two hundred and fifty-one thousand three hundred and twenty dollars \$251,320

Provided, Payments be made in quarterly installments in advance: *Provided further*, That the minimum salary paid to library assistants shall be forty (40) dollars per month each, and to librarians in charge of branches, nine hundred (900) dollars each per annum: *Provided also*, That money appropriated shall be used for maintenance, as follows: Main library and branches: Free Library; Children's Department, Department of the Blind, Department of Public Documents (in Spring Garden Branch), Wagner Institute Branch, Broad and Federal Branch, Kensington Branch, McPherson Park Branch, Nicetown Branch, Paschalville Branch, H. Josephine Widener Branch, John Wanamaker Branch. Carnegie Branches: West Philadelphia Branch, Lehigh Avenue Branch, Frankford Branch, Tacony Branch, Germantown Branch, Thomas Holme Branch, Spring Garden Branch, Wissahickon Branch, Manayunk Branch, Chestnut Hill Branch, Richmond Branch, Oak Lane Branch, Southwark Branch. Deposit Stations: Bustleton Traveling Library, Forty-ninth Street Traveling Library, Falls of Schuylkill Traveling Library, St. Martha's House Deposit Station, Robert W. Ryerss Library and Museum, James W. Queen Memorial: *Provided further*, That no new branches or stations shall be opened without the approval of Councils.

PHILADELPHIA MUSEUMS.

Item 7.

(a) Maintenance and repairs of museums, forty-two thousand dollars	\$42,000
(b) Care and improvement of grounds, one thousand dollars	1,000
(c) Allowance for extra labor, etc., in power house, required to furnish steam to Almshouse, as per request of Councils, three thousand dollars	3,000

Total, forty-six thousand dollars \$46,000

Provided, Payments be made in quarterly installments in advance for maintenance, and for balance as bills are presented.

CONTRIBUTIONS.

Item 8. Pennsylvania Academy of the Fine Arts, fifteen thousand dollars \$15,000

Provided, Payments be made in quarterly installments: *Provided further*, That 50,000 tickets be supplied to the Board of Education for the use of children of the public schools.

Item 9. Pennsylvania Museum and School of Industrial Art, thirty thousand dollars \$30,000

Provided, Payments be made in quarterly installments.

Item 10. Teachers' Annuity and Aid Association, ten thousand dollars \$10,000

Item 11. Free scholarships, University of Pennsylvania (cost of matriculation examination for), five hundred dollars \$500

Item 12. Safe and sane Fourth of July, five thousand dollars \$5,000

And warrants shall be drawn by the Mayor in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Wharves, Docks and Ferries, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and fifty-three thousand five hundred (153,500) dollars be, and the same is hereby appropriated to the Department of Wharves, Docks and Ferries, for the year 1913, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Director, ten thousand dollars.....	\$10,000
Assistant director, four thousand dollars.....	4,000
Secretary, two thousand five hundred dollars..	2,500
Stenographers, 4 at \$900 each, three thousand six hundred dollars.....	3,600
Messengers and clerks, 2 at \$900 each, one thousand eight hundred dollars.....	1,800
Telephone operator, six hundred dollars.....	600

(b) Fees of auctioneers, for selling wharf leases, five hundred dollars.....	500
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Total, twenty-three thousand dollars..... \$23,000

Item 2. *Services other than personal:*

Carfare, transportation, freight, expressage, drayage, postage, communication, advertis- ing, printing, stationery, special and miscella- neous service, and supplies, one thousand five hundred dollars	\$1,500
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FIXED CHARGES.

Item 3. Rent of department offices in Bourse, three thousand eight hundred and sixty dollars	\$3,860
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ACCOUNTS AND STATISTICS.

OPERATION.

Item 4. *Personal services:*

Salaries:

Chief clerk, one thousand five hundred dollars	\$1,500
Special agent, two thousand dollars.....	2,000
Clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Clerk, one thousand dollars.....	1,000

Total, eight thousand one hundred dollars \$8,100

CARE AND CONSTRUCTION.

OPERATION.

Item 5. *Personal services:*

Harbor engineer, four thousand dollars.....	\$4,000
Assistant engineers, 2 at \$2,500 each, five thousand dollars	5,000
Assistant engineers, 3 at \$2,000 each, six thou- sand dollars	6,000
Assistant engineer, one thousand eight hundred dollars	1,800
Structural designer, two thousand two hundred dollars	2,200
Chief draughtsman, two thousand dollars.....	2,000
Draughtsmen, 3 at \$1,800 each, five thousand four hundred dollars	5,400

Draughtsman, one thousand five hundred dollars	\$1,500
Architect, one thousand eight hundred dollars	1,800
Inspector, one thousand eight hundred dollars	1,800
Inspector, one thousand five hundred dollars..	1,500
Inspector, one thousand two hundred dollars..	1,200
Inspectors, 2 at \$1,000 each, two thousand dollars	2,000
Inspectors, 9 at \$900 each, eight thousand one hundred dollars	8,100

Total, forty-four thousand three hundred dollars \$44,300

Item 6. *Services other than personal:*

Removing ashes and refuse from City piers, one hundred and fifty dollars.....	\$150
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Item 7. *Supplies:*

Uniforms, 2 at \$40 each, eighty dollars.....	\$80
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MAINTENANCE.

Item 8. *Services other than personal:*

Repairs and alterations to City wharves, bulkheads, landings and recreation piers, ten thousand dollars	\$10,000
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INSPECTION AND PATROL.

Item 9. *Personal services:*

(a) Salaries:

Dockmaster, civil engineer, two thousand dollars	\$2,000
Dockmasters, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief wharfinger, one thousand eight hundred dollars	1,800
Wharfingers, 7 at \$1,000 each, seven thousand dollars	7,000

Special officer, seven hundred and twenty dollars	\$720
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Total, thirteen thousand nine hundred and twenty dollars	\$13,920
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Item 10. *Supplies:*

Ten uniforms at \$40 each, four hundred dollars	\$400
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HARBOR CHANNELS.

OPERATION.

Item 11. *Personal services:*

(a) Salaries:

Superintendent of boats and dredges, two thousand five hundred dollars	\$2,500
Clerk and watchman, nine hundred dollars	900
(b) Temporary employees to operate City ice boats, thirteen thousand two hundred dollars	13,200
(c) Temporary employees for inspection and survey boats, "Inspector" and "Eunomia," four thousand two hundred and sixty dollars	4,260
(d) Temporary employees, City dredging plant, twenty-one thousand three hundred and thirty dollars	21,330

Total, forty-two thousand one hundred and ninety dollars	\$42,190
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Item 12. *Services other than personal:*

Transportation, communication, printing and miscellaneous service and supplies, five hundred and sixty dollars	\$560
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Item 13. *Supplies:*

Fuel—gasoline for boat "Eunomia," two hundred and forty dollars	\$240
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MAINTENANCE.

Item 14. *Materials for repairs:*

Materials for repairs to City ice boats, "Inspector," "Eunomia," and City dredging plant, five thousand dollars \$5,000

FIXED CHARGES.

Item 15. (a) Water rent for fire purposes,
House of Correction Wharf, one hundred dollars \$100
(b) Dues, Maritime Exchange, one hundred dollars \$100

Total, two hundred dollars..... \$200

Provided, That the Director shall be allowed, when it is in his judgment to the best interests of the City, to purchase or contract, without advertising, bills not exceeding the sum of five hundred (500) dollars.

And warrants shall be drawn by the Director of the Department of Wharves, Docks and Ferries in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Health and Charities, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seven hundred and seventy-eight thousand eight hundred and fifty-one (778,851) dollars be, and the same is hereby

appropriated to the Department of Public Health and Charities, for the year 1913, as follows:

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department, the sum of eighty-one thousand one hundred and forty-five (81,145) dollars is for the expenses of the Director's Office, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Director, ten thousand dollars	\$10,000
Assistant director, four thousand dollars	4,000
Chief clerk, two thousand five hundred dollars	2,500
Agent for the prevention of diseases, one thousand five hundred dollars	1,500
Clerk, one thousand eight hundred dollars....	1,800
Support clerk, one thousand six hundred and fifty dollars	1,650
Confidential clerk and stenographer, one thousand three hundred dollars	1,300
Assistant clerk, one thousand dollars	1,000
Clerk, one thousand dollars	1,000
Miscellaneous clerk, eight hundred dollars...	800
Children's agent, one thousand three hundred and fifty dollars	1,350
Special agent, one thousand two hundred dollars	1,200
Assistant special agent, one thousand dollars..	1,000
Stenographer and typewriter, nine hundred dollars	900
Stenographer and typewriter, seven hundred and twenty dollars	720
Telephone operator, six hundred dollars.....	600
Messenger and janitor, eight hundred dollars	800

Cleaner, three hundred and sixty dollars	\$360
Chauffeur, nine hundred dollars	900

Total, thirty-three thousand three hundred and eighty dollars.....\$33,380

Item 2. *Services other than personal:*

(a) Transportation, expressage and removal of non-residents, meals, communication service, advertising and miscellaneous, one thousand six hundred and fifteen dollars.....	\$1,615
(b) Maintenance of automobile, five hundred dollars	500

Total, two thousand one hundred and fifteen dollars

Item 3. *Supplies:*

Newspapers and medical journals, one hundred and fifty dollars	\$150
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FIXED CHARGES.

Item 4. *Services other than personal:*

(a) Support of feeble-minded children at Pennsylvania Training School for Feeble-Minded at Elwyn, or elsewhere, twenty-seven thousand dollars	\$27,000
(b) Maintenance of children in various homes, as directed by Act of Assembly approved June 13, 1883, fifteen thousand dollars	15,000
(c) Temporary provision for homeless persons, one thousand dollars	1,000
(d) Maintaining at Home for Aged Veterans and Wives, Sixty-fifth and Vine streets, veterans of the War of the Rebellion and their wives, who are now or may hereafter be in the Home for the Indigent; said amount to be paid quarterly, two thousand five hundred dollars	2,500

Total, forty-five thousand five hundred dollars

BUREAU OF HEALTH.

SECT. 2. Of the amount appropriated to this Department, the sum of three hundred and forty-two thousand two hundred and sixty (342,260) dollars is for the expenses of the Bureau of Health, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief of bureau, four thousand dollars.....	\$4,000
Chief clerk, two thousand dollars	2,000
Assistant engineer, one thousand eight hundred dollars	1,800
First assistant clerk, one thousand five hundred dollars	1,500
Stenographer and typewriter, one thousand dollars	1,000
Messenger, eight hundred dollars	800
Cleaners, 3 at \$360 each, one thousand and eighty dollars	1,080

Total, twelve thousand one hundred and eighty dollars

\$12,180

Item 2. *Services other than personal:*

(a) Maintenance of automobile, five hundred dollars	\$500
(b) Postage, one thousand dollars	1,000
(c) Miscellaneous, two hundred dollars	200

Total, one thousand seven hundred dollars

\$1,700

Item 3. *Supplies:*

Miscellaneous, two hundred dollars	\$200
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MEDICAL INSPECTION.

OPERATION.

Item 4. *Personal services:*

Salaries:

Chief medical inspector, four thousand dollars	\$4,000
Assistant chief medical inspector, two thousand four hundred dollars	2,400
Assistant medical inspectors, 51 at \$1,400 each, seventy-one thousand four hundred dollars..	71,400

At least ten of these inspectors shall be physicians of the homœopathic school of practice: *Provided*, That when no homœopathic physicians can be secured in any ward the Director shall be authorized to appoint an allopathic physician.

Diagnostician and consultant, two thousand five hundred dollars	2,500
Assistant diagnostician and consultant, two thousand dollars	2,000
Chief disinfecter, one thousand four hundred dollars	1,400
Assistant disinfectors, 10 at \$1,000 each, ten thousand dollars	10,000
Clerk to chief medical inspector, one thousand five hundred dollars	1,500
Assistant clerk to chief medical inspector, one thousand two hundred dollars	1,200
Assistant clerks, 11 at \$1,000 each, eleven thousand dollars	11,000
Record clerk, one thousand dollars	1,000
Stenographer and typewriter, one thousand dollars	1,000

Total, one hundred and nine thousand four hundred dollars\$109,400

Item 5. *Services other than personal:*

(a) Board of horses and care of vehicles for disinfection, two thousand dollars	\$2,000
(b) Horseshoeing, five hundred dollars	500

(c) Maintenance of automobiles, one thousand dollars	\$1,000
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Total, three thousand five hundred dollars	\$3,500
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MAINTENANCE.

Item 6. *Services other than personal:*

Repairs to wagons, vehicles and harness, five hundred dollars	\$500
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CHILD HYGIENE.

OPERATION.

Item 7. *Personal services:*

Salaries:

Ophthalmologist, two thousand dollars	\$2,000
Attendant, eye dispensary, eight hundred dollars	800
Supervising nurse, one thousand two hundred dollars	1,200
City nurses, 8 at \$900 each, seven thousand two hundred dollars	7,200
Chief of dental dispensary, two thousand five hundred dollars	2,500
Assistant dentists, 12 at \$700 each, eight thousand four hundred dollars	8,400
Attendant, dental dispensary, eight hundred dollars	800

Total, twenty-two thousand nine hundred dollars	\$22,900
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Item 8. *Services other than personal:*

Relief of children in congested districts during the heated term, two thousand five hundred dollars	\$2,500
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LABORATORY.

OPERATION.

Item 9. *Personal services:*

Salaries:

Chief bacteriologist, two thousand dollars....	\$2,000
First assistant bacteriologist, two thousand dollars	2,000
Second assistant bacteriologist, one thousand five hundred dollars	1,500
Third assistant bacteriologists, 2 at \$1,400 each two thousand eight hundred dollars.....	2,800
Fourth assistant bacteriologists, 2 at \$1,000 each, two thousand dollars	2,000
Helpers, 5 at \$600 each, three thousand dollars	3,000
Cleaners, 2 at \$480 each, nine hundred and sixty dollars	960
Cleaner, three hundred and sixty dollars . . .	360
First assistant, antitoxin laboratory, one thousand dollars	1,000
Helper, antitoxin laboratory, eight hundred dollars	800
Hostler, nine hundred dollars	900
Assistant hostler, seven hundred and twenty dollars	720
Collector of specimens, one thousand dollars..	1,000
Clerk, seven hundred and twenty dollars.....	720
Chemist, two thousand dollars	2,000
Assistant clerk, one thousand two hundred dollars	1,200
Cleaner, antitoxin laboratory, six hundred dollars	600

Total, twenty-three thousand five hundred and sixty dollars..... \$23,560

VITAL STATISTICS.

OPERATION.

Item 10. *Personal services:*

Salaries:

Chief of division, one thousand seven hundred and fifty dollars	\$1,750
Collector of vital statistics, 2 at \$1,000 each, two thousand dollars	2,000
Registration clerks, 9 at \$1,000 each, nine thousand dollars	9,000

Total, twelve thousand seven hundred and fifty dollars \$12,750

SANITARY INSPECTION.

OPERATION.

Item 11. *Personal services:*

(a) Salaries:

Chief sanitary inspector, three thousand dollars	\$3,000
Chief inspector, house drainage, two thousand four hundred dollars	2,400
Chief inspector of nuisances, one thousand nine hundred dollars	1,900
Assistant to chief inspector of nuisances, one thousand five hundred dollars	1,500
Assistant inspectors, house drainage, 14 at \$1,300 each, eighteen thousand two hundred dollars	18,200
Assistant nuisance inspectors, 27 at \$1,100 each, twenty-nine thousand seven hundred dollars	29,700
Inspectors of privy cleaning, 2 at \$1,000 each, two thousand dollars	2,000
Clerk, one thousand three hundred dollars....	1,300
Permit clerk, one thousand two hundred dollars	1,200

Clerk to chief inspector of nuisances, one thousand dollars	\$1,000
Stenographer and typewriter, one thousand dollars	1,000
Stenographer and typewriter, seven hundred and twenty dollars	720
(b) Fees for examiners (executing plumbers' registration act), \$5 per day, two hundred and fifty dollars	250
Total, sixty-four thousand one hundred and seventy dollars	\$64,170

Item 12. *Services other than personal:*

Abatement of nuisances, five thousand dollars \$5,000

Item 13. *Supplies:*

Miscellaneous, three hundred dollars \$300

FOOD INSPECTION.

OPERATION.

Item 14. *Personal services:*

Salaries:

Chief inspector of milk, one thousand nine hundred dollars	\$1,900
Assistant inspectors of milk, 16 at \$1,020 each, sixteen thousand three hundred and twenty dollars	16,320
Chief meat and cattle inspector, one thousand three hundred and fifty dollars	1,350
Assistant meat and cattle inspectors, 7 at \$1,000 each, seven thousand dollars	7,000

Total, twenty-six thousand five hundred and seventy dollars \$26,570

HOSPITAL CONTAGIOUS DISEASES.

OPERATION.

Item 15. *Personal services:*

(a) Salaries:

Superintendent, two thousand dollars	\$2,000
Chief clerk, one thousand two hundred dollars	1,200
Chief resident physician, two thousand five hundred dollars	2,500
First assistant resident physician, nine hundred dollars	900
Second assistant resident physicians, 2 at \$800 each, one thousand six hundred dollars	1,600
Supervising nurse, one thousand two hundred dollars	1,200
Head nurses, 3 at \$600 each, one thousand eight hundred dollars	1,800
Head nurses (night), 2 at \$500 each, one thousand dollars	1,000
Druggist, six hundred dollars	600
Butcher, nine hundred dollars	900
Housekeepers, 2 at \$600 each, one thousand two hundred dollars	1,200
Chief engineer, one thousand eight hundred dollars	1,800
Engineers, 4 at \$1,000 each, four thousand dollars	4,000
Foreman, one thousand dollars	1,000
Plumber, one thousand one hundred dollars	1,100
Head laundryman, one thousand two hundred dollars	1,200
Mechanician and chauffeur, one thousand two hundred dollars	1,200
Chauffeurs, 3 at \$900 each, two thousand seven hundred dollars	2,700

(b) Salaries and wages for extra help, for pay of cooks, nurses, farmers, gardeners, drivers, firemen, painters, carpenters, plumbers, mechanics,

disinfectors, electrical workers, telephone operators, coal passers, hostlers, assistant clerks, stenographers, oilers, miscellaneous helpers and laborers at Philadelphia Hospital for Contagious Diseases, ten thousand dollars \$10,000

Total, thirty-seven thousand nine hundred dollars \$37,900

Item 16. *Services other than personal:*

Horseshoeing, two hundred and fifty dollars.. \$250

Item 17. *Supplies:*

Gas for fuel, one thousand dollars \$1,000

MAINTENANCE.

Item 18. *Services other than personal:*

(a) Maintenance and repairs to ambulances, wagons and harness, five hundred dollars.... \$500

(b) Repairs and improvements to buildings, roads, grounds and machinery at Philadelphia Hospital for Contagious Diseases, one thousand dollars 1,000

Total, one thousand five hundred dollars \$1,500

TENEMENT HOUSE INSPECTION.

OPERATION.

Item 19. *Personal services:*

Salaries:

Chief inspector, two thousand six hundred dollars \$2,600

Assistant inspectors, 5 at \$1,200 each, six thousand dollars 6,000

Clerk, one thousand two hundred dollars 1,200

Stenographer and typewriter, one thousand dollars 1,000

Clerk and stenographer, seven hundred and twenty dollars	\$720
Cleaner, three hundred and sixty dollars	360

Total, eleven thousand eight hundred and eighty dollars \$11,880

Item 20. *Services other than personal:*

Postage, three hundred dollars	\$300
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HEALTH OFFICER.

OPERATION.

Item 21. *Personal services:*

Salaries:

Health officer, two thousand one hundred dollars	\$2,100
Chief clerk to health officer, one thousand two hundred dollars	1,200
Assistant clerk to health officer, nine hundred dollars	900

Total, four thousand two hundred dollars \$4,200

BUREAU OF CHARITIES.

SECT. 3. Of the amount appropriated to this Department, the sum of three hundred and fifty-five thousand four hundred and forty-six (355,446) dollars is for the expenses of the Bureau of Charities, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries:

Superintendent, three thousand dollars	\$3,000
Chief clerk, one thousand six hundred dollars..	1,600
Clerks, 4 at \$900 each, three thousand six hundred dollars	3,600

Clerks, 4 at \$800 each, three thousand two hundred dollars	\$3,200
House agent, one thousand four hundred dollars	1,400
House agent's clerk, eight hundred dollars ..	800
Stenographer and typewriter, seven hundred and twenty dollars	720
Captain of hall, six hundred dollars	600
Doorkeeper, six hundred dollars	600
Watchman, six hundred dollars	600
Special officer, one thousand dollars	1,000
Housekeeper, six hundred dollars	600
Cook, seven hundred and twenty dollars	720
Assistant cook, four hundred and twenty dollars	420
Messengers, 2 at \$420 each, eight hundred and forty dollars	840
Messengers, 2 at \$300 each, six hundred dollars ..	600
Assistant doorkeeper, three hundred dollars ...	300
Watchmen, 3 at \$400 each, one thousand two hundred dollars	1,200
Head waitress, one hundred and ninety-two dollars	192
Waitresses, 4 at \$168 each, six hundred and seventy-two dollars	672
Runner, one hundred and eighty dollars ...	180
Runner, one hundred and twenty dollars ...	120
Telephone operator, three hundred dollars ..	300
Messenger, three hundred and sixty dollars ..	360
Helper, one hundred and ninety-two dollars ..	192
Helper, one hundred and sixty-eight dollars ..	168
Helper, one hundred and forty-four dollars ..	144
Helpers, 2 at \$84 each, one hundred and sixty-eight dollars	168
Helpers, 3 at \$60 each, one hundred and eighty dollars	180
Helper, forty-eight dollars	48

Total, twenty-four thousand five hundred and twenty-four dollars \$24,524

Item 2. *Services other than personal:*

(a) Traveling expenses, house agent, etc., four hundred dollars	\$400
(b) Special and miscellaneous services, one thousand dollars	1,000

Total, one thousand four hundred dollars \$1,400

FIXED CHARGES.

Item 3. Burial cases, five hundred dollars	\$500
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GENERAL STORE SERVICE.

OPERATION.

Item 4. *Personal services:*

Salaries:

Storekeeper, one thousand four hundred dollars	\$1,400
Storekeeper's clerk, one thousand dollars....	1,000
Assistant storekeeper's clerk, eight hundred and fifty dollars	850
Storekeeper's clerk, three hundred dollars....	300
Storekeeper's clerk, one hundred and eighty dollars	180
Bookkeeper, four hundred and eighty dollars..	480
Foreman of bakers, eight hundred dollars.....	800
Bakers, 4 at \$624 each, two thousand four hundred and ninety-six dollars	2,496
Butcher, three hundred dollars	300
Shoe repairer, two hundred and sixteen dollars.	216
Runner, one hundred and twenty dollars	120
Helper, one hundred and twenty dollars	120
Helpers, 2 at \$216 each, four hundred and thirty-two dollars	432
Helper, sixty dollars	60

Total, eight thousand seven hundred and fifty-four dollars

\$8,754

LAUNDRY SERVICE.

OPERATION.

Item 5. *Personal services:*

Salaries:

Manager of laundry, one thousand two hundred dollars	\$1,200
Machine laundryman, six hundred dollars	600
Machine laundrymen, 3 at \$360 each, one thousand and eighty dollars	1,080
Forewoman of laundry, four hundred and twenty dollars	420
Forewoman of laundry, two hundred and sixteen dollars	216
Forewomen of laundry, 2 at \$210 each, four hundred and twenty dollars	420
Laundresses, 4 at \$240 each, nine hundred and sixty dollars	960
Laundress, two hundred and twenty-eight dollars	228
Laundress, two hundred and twelve dollars...	212
Porter, three hundred dollars	300
Laundress, three hundred dollars	300
Laundresses, 2 at \$192 each, three hundred and eighty-four dollars	384
Laundresses, 2 at \$180 each, three hundred and sixty dollars	360
Helpers, 3 at \$120 each, three hundred and sixty dollars	360
Helper, eighty-four dollars	84
Helper, sixty dollars	60
Helper, twenty-four dollars	24
Total, seven thousand two hundred and eight dollars	\$7,208

MAINTENANCE.

Item 6. *Services other than personal:*

Special and miscellaneous, repairs and alterations to laundry, one thousand dollars.....	\$1,000
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AMBULANCE SERVICE.

Item 7. *Personal services:*

Salaries:

Foreman, eight hundred dollars	\$800
Chauffeurs, 2 at \$900 each, one thousand eight hundred dollars	1,800
Ambulance drivers, 4 at \$720 each, two thousand eight hundred and eighty dollars.....	2,880
Helpers, 3 at \$60 each, one hundred and eighty dollars	180
Helpers, 3 at \$48 each, one hundred and forty-four dollars	144
Helper, thirty-six dollars	36

Total, five thousand eight hundred and forty dollars \$5,840

MAINTENANCE.

Item 8. *Services other than personal:*

(a) Repairs to automobiles, auto trucks and ambulances, three thousand dollars	\$3,000
(b) Repairs to harness, automobiles, wagons, horseshoeing and miscellaneous repairs, two thousand five hundred dollars	2,500

Total, five thousand five hundred dollars \$5,500

MANUFACTURING.

OPERATION.

Item 9. *Personal services:*

Salaries:

Overseer, one thousand two hundred dollars...	\$1,200
Bookkeeper, one thousand dollars	1,000
Chief engineer and electrician, one thousand five hundred dollars	1,500

Engineers, 5 at \$1,000 each, five thousand dollars	\$5,000
Firemen, 4 at \$480 each, one thousand nine hundred and twenty dollars	1,920
Foreman of painters, one thousand dollars	1,000
Foreman of carpenters, one thousand dollars	1,000
Foreman of steamfitters, eight hundred dollars	800
Foreman of plumbers, one thousand dollars	1,000
Foreman of tinsmiths, one thousand dollars	1,000
Clerk and foreman of printers, one thousand dollars	1,000
Foreman of yard gang, three hundred dollars	300
Gardener, five hundred dollars	500
Cook, seven hundred and twenty dollars	720
Assistant cook, four hundred and twenty dollars	420
Gatekeepers, 8 at \$108 each, eight hundred and sixty-four dollars	864
Draughtsman, three hundred dollars	300
Helpers, 2 at \$144 each, two hundred and eighty-eight dollars	288
Helper, one hundred and twenty dollars	120
Helpers, one thousand four hundred and forty dollars	1,440
Bricklayers, \$3.80 per day; plasterers, \$3.60 per day; carpenters, \$3.20 per day; blacksmiths, \$3.20 per day; electricians, \$3.20 per day; electricians' helpers, \$2.25 per day; painters, \$3 per day; steamfitters, \$3 per day; plumbers, \$3 per day; tinsmiths, \$2.80 per day; laborers, \$2.50 per day; laborers, \$2.25 per day; laborers, \$2 per day; laborers, \$1.92 per day; laborers, \$1.75 per day; laborers, \$1.32 per day; laborers, \$1 per day, seventy-five thousand dollars	75,000

Total, ninety-six thousand three hundred and seventy-two dollars \$96,372

Item 10. *Services other than personal:*

Removal of ashes, one thousand dollars \$1,000

Item 11. *Supplies:*

(a) Gas for fuel, one thousand five hundred dollars	\$1,500
(b) Ice making, three hundred and fifty dollars	350
Total, one thousand eight hundred and fifty dollars	\$1,850

MAINTENANCE.

Item 12. *Services other than personal:*

(a) Repairs to engines, five hundred dollars	\$500
(b) Repairs to roofs, including new spouting, one thousand dollars	1,000

Total, one thousand five hundred dollars \$1,500

CAPITAL OUTLAY.

Item 13. *Equipment:*

Equipment of new ice plant, one thousand dollars	\$1,000
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HOME FOR INDIGENT.

OPERATION.

Item 14. *Personal services:*

Salaries:

Captain of out-wards, nine hundred dollars	\$900
Dining-room man, four hundred and twenty dollars	420
Watchman, 2 at \$480 each, nine hundred and sixty dollars	960
Cook, four hundred and twenty dollars	420
Assistant cook, two hundred and forty dollars	240
Matron, four hundred and eighty dollars	480
Day assistant, two hundred and sixteen dollars	216
Assistant night nurse, three hundred dollars	300
Assistant cook, four hundred and twenty dollars	420
Chambermaid, two hundred and sixteen dollars	216
Runner, one hundred and eighty dollars	180

Runner, one hundred and twenty dollars	\$120
Helpers, one thousand five hundred and thirty-six dollars	1,536
Total, six thousand four hundred and eight dollars	\$6,408

PHILADELPHIA GENERAL HOSPITAL.

OPERATION.

Item 15. *Personal services:*

Salaries:

Chief resident physician, four thousand dollars	\$4,000
Assistant chief resident physician, one thousand five hundred dollars	1,500
Second assistant resident physician, seven hundred and twenty dollars	720
Secretary to medical staff, one hundred dollars	100
Hospital clerk, seven hundred dollars	700
Hospital clerks, 2 at \$480 each, nine hundred and sixty dollars	960
Hospital clerk, three hundred and sixty dollars	360
Director, pathological and bacteriological laboratory, one thousand dollars	1,000
Director, Roentgen-Ray laboratory, five hundred dollars	500
Chief nurse, one thousand two hundred dollars	1,200
Assistant chief nurse, seven hundred and fifty dollars	750
Housekeeper, six hundred dollars	600
Head cook, seven hundred and twenty dollars . .	720
Assistant cook, four hundred and eighty dollars	480
Assistant cook, two hundred and forty dollars	240
Instructor of children, four hundred and eighty dollars	480
Special officer, four hundred and eighty dollars	480
Apothecary, one thousand two hundred dollars	1,200
First assistant apothecary, seven hundred dollars	700
Second assistant apothecary, six hundred dollars	600
Third assistant apothecary, five hundred dollars	500

Night clerk, five hundred dollars	\$500
Cook, two hundred and forty dollars.....	240
Barbers, 2 at \$216 each, four hundred and thirty-two dollars	432
Runner, one hundred and eighty dollars.....	180
Runners, 2 at \$120 each, two hundred and forty dollars	240
Helpers, 3 at \$144 each, four hundred and thirty-two dollars	432
Helpers, 3 at \$120 each, three hundred and sixty dollars	360
Head nurses, 20 at \$300 to \$600 each, nine thousand five hundred dollars	9,500
Pupil nurses, 120 at \$108 each, twelve thousand nine hundred and sixty dollars.....	12,960
Assistant female nurses, 3 at \$216 each, six hundred and forty-eight dollars	648
Assistant male nurses, 3 at \$216 each, six hundred and forty-eight dollars	648
Assistant male nurse, one hundred and twenty dollars	120
Orderlies, 20 at \$216 each, four thousand three hundred and twenty dollars	4,320
Waitresses, 12 at \$156 each, one thousand eight hundred and seventy-two dollars	1,872
Stretcher bearers, 6 at \$108 each, six hundred and forty-eight dollars	648
Attendants, 28 at not more than \$600 each, seven thousand six hundred and eight dollars	7,608
Male cleaners, 12 at \$216 each, two thousand five hundred and ninety-two dollars	2,592
Female cleaners, 12 at \$144 each, one thousand seven hundred and twenty-eight dollars	1,728
Clerk, two hundred and eighty-eight dollars..	288
Helpers, two thousand two hundred and twenty dollars	2,220
Fees for course in diet cooking, three hundred and sixty dollars	360

Total, sixty-five thousand six hundred and eighty-six dollars:..... \$65,686

Item 16. *Supplies:*

(a) Supplies for orthopaedic department, five hundred dollars	\$500
(b) Uniforms for nurses, three thousand six hundred dollars	3,600
Total, four thousand one hundred dollars	\$4,100

MAINTENANCE.

Item 17. *Services other than personal:*

(a) Repairs to surgical instruments, five hundred dollars	\$500
(b) Maintenance of orthopaedic department apparatus and instruments, five hundred dollars.	500
Total, one thousand dollars	\$1,000

CAPITAL OUTLAY.

Item 18. *Equipment:*

(a) Purchasing and binding of books, two hundred dollars	\$200
(b) Card index for pathological department, two hundred dollars	200
(c) Erection of tents or shacks for measles, whooping cough and consumption, one thousand dollars	1,000
Total, one thousand four hundred dollars	\$1,400

Item 19. *Structures:*

Fireproof stairway in hospital department, six thousand dollars	\$6,000
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CARE OF INSANE.

OPERATION.

Item 20. *Personal services:*

(a) Salaries:	
Chief resident physician, two thousand five hundred dollars	\$2,500

Assistant physicians, 2 at \$1,000 each, two thousand dollars	\$2,000
Assistant physicians, 2 at \$800 each, one thousand six hundred dollars	1,600
Clinical assistant physicians, 4 at \$600 each, two thousand four hundred dollars	2,400
Stenographer and clerk, six hundred dollars...	600
Stenographers, 2 at \$600 each, one thousand two hundred dollars	1,200
Stenographer, five hundred and forty dollars..	540
Stenographer, four hundred and eighty dollars.	480
Hospital clerk, five hundred dollars	500
Storekeeper, three hundred and ninety-six dollars	396
Office assistant, two hundred and forty dollars.	240
Laboratory worker, three hundred and sixty dollars	360
Male supervisor, seven hundred dollars	700
Female supervisor, seven hundred dollars	700
Massage instructor, five hundred dollars	500
Musical instructor, four hundred and twenty dollars	420
Teacher, three hundred dollars	300
Housekeeper, six hundred dollars	600
Cook, seven hundred and twenty dollars	720
Assistant cooks, 2 at \$500 each, one thousand dollars	1,000
Barbers, 2 at \$216 each, four hundred and thirty-two dollars	432
Runner, one hundred and twenty dollars	120
Tailor, three hundred dollars	300
Helpers, seven hundred and twelve dollars....	712
(b) Attendants' pay-roll, thirty thousand dollars.	30,000
(c) Fees for examination of insane cases, two thousand dollars	2,000
Total, fifty-one thousand three hundred and twenty dollars	\$51,320

Item 21. *Equipment:*

Musical instruments and music, one hundred dollars	\$100
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MAINTENANCE.

Item 22. *Structures:*

Sanitary flooring, insane department, one thousand dollars	\$1,000
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INSANE AT BYBERRY.

OPERATION.

Item 23. *Personal services:*

Salaries:

Attendant male physician, one thousand dollars	\$1,000
Assistant physician, six hundred dollars	600
Attendants, 4 at \$600 each, two thousand four hundred dollars	2,400
Attendants, 6 at \$480 each, two thousand eight hundred and eighty dollars	2,880
Attendants, 20 at \$360 each, seven thousand two hundred dollars	7,200

Total, fourteen thousand and eighty dollars \$14,080

BYBERRY FARMS.

OPERATION.

Item 24. *Personal services:*

Salaries:

Farmer (house and found), one thousand two hundred dollars	\$1,200
Clerk, male, eight hundred dollars	800
Chauffeur, nine hundred dollars	900
Special officers, 2 at \$800 each, one thousand six hundred dollars	1,600

Cook, seven hundred and twenty dollars	\$720
Baker, six hundred and twenty-four dollars..	624
Engineer, six hundred dollars	600
Firemen, 2 at \$480 each, nine hundred and sixty dollars	960
Assistant farmers, 2 at \$720 each (found), one thousand four hundred and forty dollars...	1,440
Dairyman, six hundred dollars	600
Farmers, eight thousand dollars	8,000
Helpers, one thousand three hundred and eighty dollars	1,380

Total, eighteen thousand eight hundred
and twenty-four dollars \$18,824

Item 25. *Supplies:*

Uniforms for special officers, eighty dollars... \$80

MAINTENANCE.

Item 26. *Services other than personal:*

Repairs to farming implements, wagons and
horseshoeing, one thousand dollars \$1,000

OUT-DOOR RELIEF.

Item 27. *Personal services:*

Salaries:

Out-door physicians, 50 at \$360 each, eighteen
thousand dollars \$18,000

Item 28. *Supplies:*

- (a) Medicines and dietetic food for sick, to be
distributed by the out-door physicians, five thou-
sand dollars \$5,000
- (b) Milk and ice for sick, five thousand dollars 5,000

Total, ten thousand dollars \$10,000

*Provided, That any balances remaining to the credit
of Item 57 (temporary loan), for erection of dormitory;*

Item 58 (temporary loan), for improvement, etc., Brown farm; and Item 60, sewage disposal plant, in the Bureau of Charities shall not merge December 31, 1912.

Provided, That the Director shall be allowed, when it is in his judgment to the best interest of the City, to contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars.

Provided, That the Department of Public Health and Charities, in the selection of their employees, are directed to prefer in their appointments honorably discharged soldiers and sailors.

Warrants shall be drawn by the Department of Public Health and Charities in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Safety, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seven million forty-two thousand four hundred and seventy-five (7,042,475) dollars and eighty (80) cents be, and the same is hereby appropriated to the Department of Public Safety, for the year 1913.

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department the sum of thirty-five thousand four hundred and twenty-five (35,425) dollars is for the expenses of the Director's Office, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal Services:*

Salaries:

Director, ten thousand dollars	\$10,000
Assistant director, four thousand dollars	4,000
Secretary, two thousand four hundred dollars..	2,400
Chief clerk, two thousand dollars	2,000
Clerks or stenographers, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Chauffeur, one thousand dollars	1,000
Stenographers and typewriters, 3 at \$900 each, two thousand seven hundred dollars	2,700
Messenger, one thousand one hundred dollars..	1,100
Messenger, one thousand dollars	1,000
Total, twenty-seven thousand eight hun- dred dollars	\$27,800

Item 2. *Services other than personal:*

Transportation, hire of automobiles, communi- cation service and miscellaneous, one thou- sand one hundred and forty-five dollars....	\$1,145
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Item 3. *Supplies:*

Uniforms, 2 at \$40 each, and miscellaneous, five hundred and eighty dollars	\$580
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MAINTENANCE.

Item 4. *Services other than personal:*

Maintenance of automobiles, one thousand dol- lars	\$1,000
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Item 5. Equipment, three hundred dollars..... \$300

FIXED CHARGES.

Item 6. Rent of telautograph, two hundred dol- lars	\$200
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EMPLOYMENT AGENCIES.

OPERATION.

Item 7. *Personal services:*

Salaries:

Deputy, one thousand two hundred dollars ... \$1,200

Item 8. *Services other than personal:*

Transportation, postage, supplies and miscellaneous, two hundred dollars \$200

Item 9. Refunds, five hundred dollars \$500

CONTRIBUTIONS.

FIXED CHARGES.

Item 10. (a) Horse watering stations, Women's Pennsylvania Society Prevention Cruelty to Animals, one thousand five hundred dollars.. \$1,500

(b) Maintenance of Home for the Protection of Colored Women, one thousand dollars 1,000

 Total, two thousand five hundred dollars \$2,500

Provided, That the appropriation made to Item 10 (a) shall be paid in monthly installments to the Women's Pennsylvania Society for the Prevention of Cruelty to Animals during the months of July, August and September. *Provided further*, That the appropriation in Item 10 (b) shall be paid to the Association for the Protection of Colored Women in monthly installments of \$100 per month during the months of January, February, March, April, May, June, July, August, September and October.

BUREAU OF POLICE.

SECT. 2. Of the amount appropriated to this Department the sum of three million eight hundred and thirty-five thousand seven hundred and twenty-nine (3,835,729) dollars and seventy-five (75) cents is for the expenses of the Bureau of Police, as follows:

EXECUTIVE

OPERATION.

Item 1. *Personal services:*

Salaries:

Superintendent, four thousand five hundred dollars	\$4,500
Secretary, one thousand eight hundred dollars.	1,800
Chief clerk, one thousand seven hundred dollars	1,700
Assistant clerks or stenographers, 2 at \$1,100 each, two thousand two hundred dollars . . .	2,200
Stenographer, one thousand two hundred dollars	1,200
Assistant clerk to superintendent, one thousand five hundred dollars	1,500
Record clerk, one thousand six hundred dollars	1,600
Messenger, one thousand dollars	1,000
Storehouse clerk, nine hundred dollars	900
Driver of supply wagon, seven hundred and fifty dollars	750

Total, seventeen thousand one hundred and fifty dollars \$17,150

Item 2. *Supplies:*

Uniforms, 1 at \$100, and 10 at \$40 each, five hundred dollars	\$500
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POLICING THE CITY.

OPERATION.

Item 3. *Personal services:*

Salaries:

Captains, 5 at \$2,100 each, ten thousand five hundred dollars	\$10,500
Lieutenants, 43 at \$1,800 each, seventy-seven thousand four hundred dollars..	77,400

Street sergeants, 116 at \$1,400 each, one hundred and sixty-two thousand four hundred dollars	\$162,400
Telegraph sergeants, 131 at \$1,200 each, one hundred and fifty-seven thousand two hundred dollars	157,200
Patrol sergeants, 70 at \$1,200 each, eighty-four thousand dollars	84,000
Patrolmen, 2,940, and patrolmen (substitute), 250, two million seven hundred and seventy-three thousand and fifty-five dollars and seventy-five cents	2,773,055 75

Provided, That all patrolmen sworn in during the year 1913 shall be paid at the rate of two (2) dollars and fifty (50) cents per day; all sworn in during the year 1912 shall be paid at the rate of two (2) dollars and sixty-five (65) cents per day; all sworn in during the year 1911 shall be paid at the rate of two (2) dollars and seventy-five (75) cents per day; all sworn in during the year 1910 shall be paid at the rate of two (2) dollars and eighty-five (85) cents per day; all sworn in prior to 1910 and in continuous service in the Department shall be paid at the rate of three (3) dollars per day; substitute patrolmen to be paid at the rate of two (2) dollars and twenty-five (25) cents per day:

Provided, The Director shall be allowed, when in his judgment he deems it necessary, to detail substitute patrolmen for quarantine purposes.

Patrolmen in public squares, 20 at \$2.50 per day, May 1 to November 1, nine thousand two hundred dollars	9,200
Supervising matron, seven hundred and twenty dollars	720
Matron, seven hundred and twenty dollars	720
Police matrons, 23 at \$650 each, fourteen thousand nine hundred and fifty dollars	14,950

Van drivers, 6 at \$900 each, five thousand four hundred dollars	\$5,400
Lieutenants, City Hall guards, 2 at \$1,400 each, two thousand eight hundred dollars	2,800
City Hall guards, 68 at \$2.25 per day each, fifty-five thousand eight hundred and forty-five dollars	55,845
Superintendent of horses, one thousand eight hundred dollars	1,800
Assistant superintendent of horses, eight hundred dollars	800
Drillmaster, one thousand eight hundred dollars	1,800
Riding instructor, one thousand eight hundred dollars	1,800
Clerk at central station, one thousand seven hundred dollars	1,700
Hostlers, 37 at \$720 each, twenty-six thousand six hundred and forty dollars . . .	26,640
Cleaners, seventeen thousand dollars . . .	17,000

Total, three million four hundred and five thousand seven hundred and thirty dollars and seventy-five cents \$3,405,730 75

Provided, That Section 5 of the ordinance approved February 28, 1856, shall not apply to this item.

Item 4. *Services other than personal:*

- | | |
|--|---------|
| (a) Removal of ashes, expressage, hauling and transportation, one thousand two hundred dollars | \$1,200 |
| (b) Horseshoeing, twenty thousand dollars | 20,000 |

Provided, That warrants may be countersigned on this item upon the approval of the bills by the Director, without advertising: *Provided however*, That the work shall only be given to those who pay the union rate of wages.

(c) Keep and pasturing horses, two thousand dollars	\$2,000
(d) Postage and advertising, three hundred dollars	300
(e) Expenses of office and station houses, one thousand eight hundred dollars	1,800

Total, twenty-five thousand three hundred dollars \$25,300

Item 5. *Supplies:*

Uniforms, 5 at \$100 each; 46 at \$75 each; 491 at \$50 each; 3,097 at \$40 each; one hundred and fifty-two thousand three hundred and eighty dollars \$152,380

MAINTENANCE.

Item 6. *Services other than personal:*

(a) Maintenance and repairs to auto patrol and patrol wagons, bicycles and motor cycles, one thousand three hundred dollars	1,300
(b) Repairs to badges, batons, belts, etc., one hundred dollars	100
(c) Repairs to harness, two hundred and fifty dollars	250
(d) Repairs to furniture, one hundred dollars	100
(e) Repairs and expense of van service, three hundred and sixty dollars	360
(f) Repairs to police and patrol houses, ten thousand dollars	10,000
(g) Repairs to stove and steam heaters, one thousand two hundred and fifty dollars	1,250
(h) Repairs to market houses, one thousand dollars	1,000
(i) Maintenance printing press, three hundred dollars	300

Total, fourteen thousand six hundred and sixty dollars \$14,660

FIXED CHARGES.

Item 7. (a) Annual dues of superintendent in National Bureau of Identification, three hundred dollars	\$300
(b) Rent, patrol station, 307 Union street, eight hundred dollars	\$800
Rent, patrol station, Twenty-second and York streets, eight hundred dollars	800
Rent, police station, Woodland avenue and Spruce street, one thousand two hundred dollars	1,200
Rent, patrol station, Twentieth and Nicholas streets, seven hundred dollars	700
(c) Water rent, two hundred and nine dollars ..	209
Total, four thousand and nine dollars..	\$4,009

DETECTION OF CRIME.

OPERATION.

Item 8. *Personal services:*

Salaries:

Captain of detectives, two thousand five hundred dollars	\$2,500
Clerk or stenographer to detectives, one thousand five hundred dollars	1,500
Complaint clerk or stenographer, one thousand two hundred dollars	1,200
Detectives, 29 at \$1,700 each, forty-nine thousand three hundred dollars	49,300
Photographer, one thousand six hundred dollars	1,600
Assistant photographer, one thousand two hundred dollars	1,200

Total, fifty-seven thousand three hundred dollars \$57,300

Item 9. *Services other than personal:*

(a) Transportation, one thousand two hundred dollars	\$1,200
(b) Communication service, three hundred dollars	300

Total, one thousand five hundred dollars 1,500

Item 10. *Supplies:*

(a) Photographic materials, five hundred dollars	\$500
(b) Uniforms, two at \$40 each, eighty dollars..	80

Total, five hundred and eighty dollars.. \$580

CARE OF SICK AND INJURED PERSONS.

OPERATION.

Item 11. *Services other than personal:*

Expenses incurred in providing medicines and general provisions for houses under quarantine, one hundred dollars	\$100
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FIXED CHARGES AND CONTRIBUTIONS.

Item 12. For payment to hospitals for ambulance service, as follows:

German, Episcopal, St. Joseph's, Methodist Episcopal, Jewish, Women's, Presbyterian and University, \$750 each; Children's Homoeopathic, Germantown, St. Mary's, St. Agnes, Medico-Chirurgical, Children's, St. Timothy's, Hahnemann, Samaritan, Jefferson Medical College, St. Christopher's, St. Luke's, Mt. Sinai, Polyclinic, West Philadelphia Homoeopathic, Stetson's, Roosevelt, Frankford, Northwestern General, Mercy, Garretson, Women's Homoeopathic, West Philadelphia Women's, Douglas, Chestnut Hill, and Women's Southern Homoeopathic, \$375 each; fifteen thousand seven hundred and fifty dollars \$15,750

Item 13 (a) Women's Pennsylvania Society for the Prevention of Cruelty to Animals for taking stray animals and killing them, eight thousand dollars	\$8,000
(b) Morris Refuge Association, two thousand five hundred dollars	2,500
Total, twenty-six thousand two hundred and fifty dollars	\$26,250

CARE OF PRISONERS.

OPERATION.

Item 14. *Services other than personal:*

(a) Transportation, two hundred dollars	\$200
(b) Meals to prisoners, one thousand dollars	1,000

Total, one thousand two hundred dollars \$1,200

STREET SIGNS.

OPERATION.

Item 15. *Miscellaneous:*

Erection of street signs, five hundred dollars . .	\$500
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PENSIONS, ETC.

Item 16. Pensions and retirement salaries, Police Pension Fund, sixty thousand dollars . . \$60,000

Provided, That no part of the money appropriated to this fund shall be used in the payment of any pensioner who is in the receipt of an income from any governmental employment whatsoever: *And provided further*, That the members of the Bureau of Police shall not seek to sell, offer for sale, dispose of, or cause to be offered or placed on sale for disposal, benefit tickets of any kind whatsoever for the purpose of increasing the funds of the Police Pension Fund. The Annual Police Carnival may be held. The same may be advertised and tickets of admission

thereto placed on sale under the discretion and management of the Secretary of the Police Pension Fund Association, subject to the approval of the Director of Public Safety; otherwise this appropriation to be void.

POLICING WATERWAYS.

OPERATION.

Item 17. *Personal services:*

Salaries:

Pilots, 11 at \$1,250 each, thirteen thousand seven hundred and fifty dollars	\$13,750
Engineers, 9 at \$1,200 each, ten thousand eight hundred dollars	10,800
Firemen, 10 at \$1,000 each, ten thousand dollars	10,000
Deck laborers, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160

Total, thirty-six thousand seven hundred and ten dollars

\$36,710

Item 18. *Supplies:*

Uniforms, 33 at \$40 each, one thousand three hundred and twenty dollars	\$1,320
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MAINTENANCE.

Item 19. *Services other than personal:*

Repairs to boats, one thousand dollars	\$1,000
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DETERMINATION OF CAUSES OF FIRE.

OPERATION.

Item 20. *Personal services:*

Salaries:

Fire marshal, two thousand five hundred dollars	\$2,500
Assistant fire marshals, 2 at \$2,000 each, four thousand dollars	4,000

Assistant fire marshals, 2 at \$1,200 each, two thousand four hundred dollars	\$2,400
Clerk or stenographer to fire marshal, one thousand dollars	1,000
Fire escape inspectors, 10 at \$1,200 each, twelve thousand dollars	12,000

Total, twenty-one thousand nine hundred dollars \$21,900

Item 21. *Services other than personal:*

Transportation and keep of horses and wagons and automobiles, two hundred dollars	\$200
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Item 22. *Supplies:*

Uniforms, forty dollars	\$40
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MAINTENANCE.

Item 23. *Services other than personal:*

Repairs and maintenance of automobiles, one hundred dollars	\$100
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CARE OF SICK AND INJURED EMPLOYEES.

OPERATION.

Item 24. *Personal services:*

Salaries:

(a) Surgeon, four thousand dollars	\$4,000
(b) Medical attendance, two thousand eight hundred dollars	2,800

Total, six thousand eight hundred dollars \$6,800

MAINTENANCE.

Item 25. *Services other than personal:*

Repairs and maintenance of automobile, five hundred dollars	\$500
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BUREAU OF FIRE.

SECT. 3. Of the amount appropriated to this Department the sum of one million three hundred and nine thousand eight hundred and eighty-seven (1,309,887) dollars is for the expenses of the Bureau of Fire, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief engineer, four thousand five hundred dollars	\$4,500
Fire inspector, four thousand five hundred dollars	4,500
Deputy chief engineer, three thousand dollars.	3,000
Inspector, Joseph T. Hammond, one thousand three hundred dollars	1,300
Secretary, one thousand six hundred dollars...	1,600
Storehouse clerk, one thousand two hundred dollars	1,200
Assistant clerk or stenographer, one thousand dollars	1,000
Stenographer and typewriter, nine hundred dollars	900
Telephone operators, 3 at \$1,000 each, three thousand dollars	3,000
Messenger, eight hundred dollars	800
Watchman, seven hundred and forty dollars..	740
Driver of supply wagon, one thousand dollars..	1,000
Cleaner, five hundred and forty dollars	540

Total, twenty-four thousand and eighty dollars \$24,080

Item 2. *Services other than personal:*

(a) Postal service, twenty dollars	\$20
(b) Miscellaneous services, one hundred and thirty dollars	130

Total, one hundred and fifty dollars... \$150

Item 3. *Supplies:*

Uniforms, 2 at \$100 each, and 7 at \$40 each, four hundred and eighty dollars.....	\$480
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Item 4. Firemen's Pension Fund, eighteen thousand dollars	\$18,000
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EXTINGUISHING FIRES.

OPERATION.

Item 5. *Personal services:*

Battalion chiefs, 11 at \$2,000 each, twenty-two thousand dollars	\$22,000
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Captains, 77 at \$1,400 each, one hundred and seven thousand eight hundred dollars	107,800
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Lieutenants, 79 at \$1,250 each, ninety-eight thousand seven hundred and fifty dollars...	98,750
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Steam engineers, 59 at \$1,200 each, seventy thousand eight hundred dollars	70,800
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Firemen, 61 at \$1,100 each, sixty-seven thousand one hundred dollars	67,100
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Drivers, 97 at \$1,100 each, one hundred and six thousand seven hundred dollars	106,700
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Tillermen, 18 at \$1,200 each, twenty-one thousand six hundred dollars	21,600
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Hosemen and laddermen, 892, six hundred and thirty-five thousand seven hundred dollars..	635,700
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Provided, All hosemen and laddermen serving two years or less shall be paid nine hundred (900) dollars each per annum; all hosemen and laddermen serving from two to four years shall be paid one thousand (1,000) dollars each per annum; all hosemen and laddermen serving over four years shall be paid one thousand one hundred (1,100) dollars each per annum: *And provided*, That the first year service of hosemen and laddermen shall expire on the thirty-first day of December next succeeding their appointment.

Cleaners, 90 at \$25 per month each; 3 at \$35 per month each; 7 at \$18 per month each, twenty-four thousand eight hundred and seventy-two dollars \$24,872

Total, one million one hundred and fifty-five thousand three hundred and twenty-two dollars \$1,155,322

Provided, That Section 5 of the ordinance approved February 28, 1856, shall not apply to this item.

Item 6. *Services other than personal:*

(a) Removal of ashes, three hundred dollars...	\$300
(b) Removal of dangerous walls, three hundred dollars	300

Total, six hundred dollars \$600

Item 7. *Supplies:*

(a) Uniforms, 11 at \$75 each, and 1,283 at \$40 each, fifty-two thousand one hundred and forty-five dollars	\$52,145
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CARE OF EQUIPMENT.

OPERATION.

Item 8. *Personal services:*

Salaries:

Veterinary surgeon, two thousand dollars....	\$2,000
Assistant veterinary surgeon, one thousand two hundred dollars	1,200
Superintendent of repair shop, one thousand eight hundred dollars	1,800
Assistant superintendent of repair shop, one thousand two hundred dollars	1,200

Total, six thousand two hundred dollars \$6,200

Item 9. *Services other than personal:*

Shoeing and pasturing animals, five thousand
dollars \$5,000

Provided, That warrants for horseshoeing may be countersigned on this item on the approval of the bills by the Director without advertising: *Provided however*, Said horseshoeing shall be given to those who pay union rate of wages.

MAINTENANCE.

Item 10. *Personal services:*

Salaries:

Machinists, 9 at \$1,000 each, nine thousand dollars	\$9,000
Blacksmith, one thousand one hundred dol- lars	1,100
Blacksmiths, 3 at \$1,000 each, three thousand dollars	3,000
Helpers, 6 at \$800 each, four thousand eight hundred dollars	4,800
Wheelwrights, 5 at \$1,000 each, five thousand dollars	5,000
Plumbers and gasfitters, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Boilermaker, one thousand dollars	1,000
Carpenters, 4 at \$1,000 each, four thousand dollars	4,000
Patternmaker, one thousand dollars	1,000
Painters, 5 at \$1,000 each, five thousand dol- lars	5,000

Total, thirty-six thousand one hundred
dollars \$36,100

Item 11. *Services other than personal:*

- | | |
|--|-------|
| (a) Repairs and maintenance to automobiles, five
hundred dollars | \$500 |
| (b) Repairs to apparatus and rebuilding appa-
ratus, one thousand dollars | 1,000 |

(c) Repairs to harness, one hundred dollars. . . .	\$100
(d) Repairs to fire houses, four thousand dollars. .	4,000
(e) Repairs to stoves and steam heaters, one thousand two hundred and fifty dollars	1,250

Total, six thousand eight hundred and fifty dollars \$6,850

Item 12. *Supplies:*

Uniforms for carpenters, 4 at \$40 each, one hundred and sixty dollars	\$160
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FIXED CHARGES.

Item 13. *Rents:*

Fire house, Tenth and Hunter streets, two thousand three hundred dollars	\$2,300
Fire house, Fox Chase, one thousand dollars. .	1,000
Fire house, 2003-5 N. Second street, one thousand five hundred dollars	1,500

Total, four thousand eight hundred dollars \$4,800

Provided, That no part of the money appropriated in Item 4, for the Firemen's Pension Fund, shall be used in the payment of any pensioner who is in the receipt of an income from any Governmental employment whatsoever: *And provided further*, That members of the Bureau of Fire shall not seek to sell, offer for sale, dispose of or cause to be offered or place on sale for disposal benefit tickets of any kind whatever for the purpose of increasing the funds of the Firemen's Pension Fund; otherwise this appropriation to be void.

ELECTRICAL BUREAU.

SECT. 4. Of the amount appropriated to this Department, the sum of one million six hundred and thirty-one thousand six hundred and fifty-five (1,631,655) dollars and five (5) cents is for the expenses of the Electrical Bureau, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief, six thousand dollars	\$6,000
First assistant manager, two thousand dollars	2,000
Bookkeeper, one thousand two hundred dollars	1,200
Draftsman, one thousand one hundred dollars	1,100
Clerk or stenographer, nine hundred dollars..	900
Foreman (storekeeper), one thousand dollars	1,000
Clerk, bookkeeper and assistant, one thousand one hundred dollars	1,100
Clerk, permit, one thousand one hundred dollars	1,100
Stenographer and secretary, one thousand two hundred dollars	1,200
Messenger, eight hundred dollars	800
Janitress, 2 at \$250 each, five hundred dollars	500

(b) Wages, as follows: Purchasing agent, at \$3 per day; assistant draftsman, at \$3 per day; clerk, at \$3 per day; stenographers, 2 at \$3 per day each; laborer (janitor), at \$3 per day; laborer (janitor), at \$2.50 per day; la- borer (storekeeper), at \$3 per day; laborer (storekeeper), at \$2.50 per day; laborer (store- keeper's assistants), 2 at \$3 per day each, ten thousand dollars	10,000
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Total, twenty-six thousand nine hun-
dred dollars \$26,900

Item 2. *Services other than personal:*

Transportation, cartage and advertising, one thousand dollars	\$1,000
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Item 3. *Supplies:*

(a) Incidental supplies, one thousand dollars....	\$1,000
(b) Uniform, forty dollars	40

Total, one thousand and forty dollars.. \$1,040

ELECTRICAL ILLUMINATION.

OPERATION.

Item 4. *Personal services:*

(a) Salaries:

Chief line inspector, one thousand seven hundred dollars	\$1,700
Chief inspector, electric lighting, one thousand five hundred dollars	1,500
Inspectors, 2 at \$1,300 each, two thousand six hundred dollars	2,600
Electrician, one thousand four hundred dollars	1,400
Wiremen, 2 at \$1,000 each, two thousand dollars . . .	2,000

(b) Wages: Laborers, 3 at \$3 per day each, two thousand eight hundred and seventeen dollars	2,817
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Total, twelve thousand and seventeen dollars \$12,017

OPERATION.

Item 5. *Services other than personal:*

(a) Arc lighting, one million two hundred and eighty thousand six hundred and twenty-eight dollars and five cents	\$1,280,628 05
(b) Incandescent current, five thousand dollars . . .	5,000
(c) Additional arc lights, one thousand dollars	1,000

Total, one million two hundred and eighty-six thousand six hundred and twenty-eight dollars and five cents \$1,286,628 05

MAINTENANCE.

Item 6. *Personal services:*

(a) Salaries:

Assistant inspector electric lighting, one thousand three hundred dollars	\$1,300
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Wiremen, 8 at \$1,000 each, eight thousand dollars	\$8,000
(b) Wages, as follows: Laborers, 6 at \$3 per day each; laborers, 2 at \$2.75 per day each; laborers, 21 at \$2.50 per day each; driver, at \$2.50 per day, nine thousand dollars	9,000

Total, eighteen thousand three hundred dollars \$18,300

Item 7. *Supplies:*

Uniforms, 3 at \$40 each, one hundred and twenty dollars	\$120
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POWER PLANT AND ELEVATORS.

OPERATION.

Item 8. *Personal services:*

(a) Salaries:

Chief Engineer (superintendent of heat, light and power plant), City Hall, one thousand eight hundred dollars	\$1,800
Assistant engineers, 3 at \$1,460 each, four thousand three hundred and eighty dollars	4,380
Dynamomen, 3 at \$1,200 each, three thousand six hundred dollars	3,600

(b) Wages: Engineers, 3 at \$4.50 per day each; pumpmen, 7 at \$3 per day each; firemen, 21 at \$2.75 per day each; coal passers, 6 at \$2.50 per day each; laborers, 9 at \$2.50 per day each; superintendent of elevator service, at \$5 per day; foreman, at \$5 per day; starters, 5 at \$3 per day each; operators, 42 at \$2.75 per day each; laborers (operators), 2 at \$2.50 per day each, eighty-nine thousand seven hundred and thirty dollars	89,730
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Total, ninety-nine thousand five hundred and ten dollars \$99,510

MAINTENANCE.

Item 9. *Personal services:*

Laborers (repairing), 5 at \$2.50 per day each, one thousand five hundred dollars	\$1,500
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Item 10. *Materials:*

For repairs and maintenance of elevator service and power plant, seven thousand four hundred and ninety-five dollars	\$7,495
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Item 11. *Equipment:*

For replacement and rearrangement of defective steam piping in power plant, one thousand two hundred and fifty dollars	\$1,250
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Item 12. *Supplies:*

Uniforms, 50 at \$40 each, two thousand dollars ..	\$2,000
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CAPITAL OUTLAY.

Item 13. *Equipment:*

For additions to steam piping system, one thousand two hundred and fifty-five dollars	\$1,255
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TELEPHONE AND TELEGRAPH.

OPERATION.

Item 14. *Personal services:*

(a) Salaries:

Chief operator (superintendent of fire alarm and telephone systems), one thousand seven hundred dollars	\$1,700
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Operators (fire alarm and telephone), 30 at \$1,200 each, thirty-six thousand dollars....	36,000
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(b) Wages, as follows: Laborer, at \$3.50 per day; laborer, at \$2.75 per day; laborers, 4 at \$2.50 per day each; three thousand dollars.....	3,000
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(c) Apprentices, 10 at \$360 each, three thousand six hundred dollars	3,600
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Total, forty-four thousand three hundred dollars ..	\$44,300
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Item 15. *Services other than personal:*

(a) Car fare and railroad tickets, eight hundred dollars	\$800
(b) Telephone service from telephone companies, forty-five thousand dollars	45,000
Total, forty-five thousand eight hundred dollars	\$45,800

Item 16. *Supplies:*

Uniforms, 30 at \$40 each, one thousand two hundred dollars	\$1,200
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MAINTENANCE.

Item 17. *Personal services:*

(a) Salaries:	
Assistant chief, three thousand dollars	\$3,000
Assistant manager (superintendent of police signal system), one thousand nine hundred dollars	1,900
Inspector, one thousand four hundred dollars.	1,400
Inspectors, 9 at \$1,300 each, eleven thousand seven hundred dollars	11,700
Plumbers, 4 at \$1,200 each, four thousand eight hundred dollars	4,800
Linemen, 11 at \$1,100 each, twelve thousand one hundred dollars	12,100
Wireman, one thousand dollars	1,000
Batteryman, one thousand dollars	1,000
(b) Wages, as follows: Bricklayer, at \$5 per day; laborer (plumber), at \$3 per day; laborer (carpenter), at \$3 per day; foreman, at \$3 per day; climbers, 5 at \$3 per day each; groundsmen, 7 at \$2.50 per day each; drivers, 6 at \$2.50 per day each; laborers, 6 at \$3 per day each; laborers, 28 at \$2.50 per day each; twenty-five thousand dollars	25,000
(c) Additional construction gang, four thousand nine hundred dollars	4,900

Total, sixty-six thousand eight hundred dollars \$66,800

Item 18. *Services other than personal:*

(a) Hauling and repairs to footwalks, one thousand dollars	\$1,000
(b) Maintenance of automobiles, two thousand dollars	2,000
(c) Painting telegraph poles, yard-arms, etc., one thousand dollars	1,000

Total, four thousand dollars..... \$4,000

Item 19. *Supplies:*

Uniforms, 26 at \$40 each, one thousand and forty dollars	\$1,040
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Item 20. *Equipment:*

Reinforcing posts, etc., one thousand dollars...	\$1,000
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CAPITAL OUTLAY.

Item 21. *Personal services:*

(a) Additional labor for installation of materials for extension and improvement telephone and telegraph, three thousand five hundred dollars	3,500
(b) Additional labor to cover underground construction, five thousand dollars	5,000

Total, eight thousand five hundred dollars \$8,500

BUREAU OF CORRECTION.

SECT. 5. Of the amount appropriated to this Department the sum of ninety-three thousand two hundred and forty-four (93,244) dollars is for the expenses of the Bureau of Correction, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries, with board:

Superintendent, two thousand five hundred dollars	\$2,500
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Master warden, one thousand five hundred dollars	\$1,500
Without board:	
Bookkeeper, one thousand two hundred dollars	1,200
Assistant bookkeeper, one thousand dollars..	1,000
Second assistant bookkeeper, seven hundred and twenty dollars	720
Miscellaneous clerk, eight hundred dollars..	800
Total, seven thousand seven hundred and twenty dollars	\$7,720
Item 2. <i>Services other than personal:</i>	
Carfare and communication service, four hundred and nineteen dollars	\$419

DETENTION OF PETTY OFFENDERS.

OPERATION.

Item 3. *Personal services:*

Salaries, with board:

Captain of the guard, one thousand one hundred dollars	\$1,100
Lieutenant of the guard, one thousand dollars	1,000
Resident physician, one thousand two hundred dollars	1,200
Apothecary, seven hundred and twenty dollars	720
Male nurse, four hundred dollars	400
Chief engineer, one thousand dollars	1,000
Chief cook, eight hundred and fifty dollars ..	850
Assistant cook, five hundred dollars	500
Female nurse, three hundred and sixty dollars	360
Matron, six hundred and seventy-five dollars..	675
Assistant matrons, 9 at \$360 each, three thousand two hundred and forty dollars	3,240

Without board:

Guards, 50 at \$900 each, forty-five thousand dollars	45,000
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Sub-guards, 5 at \$730 each, three thousand six hundred and fifty dollars	\$3,650
Wagon driver (guard), nine hundred dollars	900
Storekeeper, one thousand two hundred dollars	1,200
Visiting physician, nine hundred dollars	900
Assistant engineers, 5 at \$900 each, four thousand five hundred dollars	4,500
Foreman, gas works, one thousand one hundred dollars	1,100
Foreman of departments, 7 at \$900 each, six thousand three hundred dollars	6,300
Farmer, eight hundred dollars	800
Moral instructor and teacher, one thousand dollars	1,000
Lamplighters, 3 at \$300 each, nine hundred dollars	900
Organist, one hundred and twenty dollars ...	120
Service of veterinary surgeon, twenty-five dollars	25

Total, seventy-seven thousand four hundred and forty dollars \$77,440

Item 4. *Services other than personal:*

(a) Transportation of prisoners and communication service, one hundred and twenty-five dollars	\$125
(b) Sending to their homes, outside of city limits, worthy cases, one hundred dollars	100
(c) Power for electric elevator, two hundred and fifty dollars	250

Total, four hundred and seventy-five dollars \$475

Item 5. *Supplies:*

(a) Uniforms, 2 at \$50 each, and 61 at \$40 each, two thousand five hundred and forty dollars..	\$2,540
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(b) Water rent, two thousand five hundred dollars	\$2,500
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Total, five thousand and forty dollars. \$5,040

MAINTENANCE.

Item 6. *Services other than personal:*

(a) Repairs to elevator, fifty dollars	\$50
(b) Rebuilding retorts and general repairs to gas apparatus, two thousand dollars	2,000
(c) Repairs to buildings and furniture, one hundred dollars	100

Total, two thousand one hundred and fifty dollars \$2,150

BUREAU OF BUILDING INSPECTION.

SECT. 6. Of the amount appropriated to this Department, the sum of seventy-eight thousand four hundred and twenty (78,420) dollars is for the expenses of the Bureau of Building Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, four thousand five hundred dollars	\$4,500
Deputy chief, two thousand six hundred dollars	2,600
Engineer of construction, two thousand five hundred dollars	2,500
Inspectors, 24 at \$2,000 each, forty-eight thousand dollars	48,000
Inspector engineer, two thousand five hundred dollars	2,500
Assistant inspector engineer, two thousand dollars	2,000

Engineer inspector, reinforced concrete construction, two thousand five hundred dollars	\$2,500
Chief clerk, one thousand six hundred dollars	1,600
Record clerk, one thousand two hundred dollars	1,200
Clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Clerk and stenographer, one thousand dollars..	1,000
Assistant clerk and stenographer, nine hundred dollars	900
Messenger, seven hundred and twenty dollars	720
Janitress, three hundred dollars	300

Total, seventy-two thousand five hundred and twenty dollars \$72,520

Item 2. *Services other than personal:*

(a) Transportation, postage and printing, etc., one thousand two hundred and fifty dollars...	\$1,250
(b) Removing dangerous buildings, five hundred dollars	500

Total, one thousand seven hundred and fifty dollars \$1,750

Item 3. *Supplies:*

Stationery and miscellaneous, fifty dollars....	\$50
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MAINTENANCE.

Item 4. *Services other than personal:*

(a) Horse keep and automobile maintenance, four thousand dollars	\$4,000
(b) Repairs to furniture, fifty dollars	50

Total, four thousand and fifty dollars \$4,050

Item 5. Equipment, fifty dollars.....,...	\$50
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BUREAU OF STEAM ENGINE AND BOILER INSPECTION.

SECT. 7. Of the amount appropriated to this Department, the sum of twenty thousand nine hundred and eighty (20,980) dollars is for the expenses of the Bureau of Steam Engine and Boiler Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, three thousand dollars	\$3,000
Assistant inspectors, 6 at \$1,300 each, seven thousand eight hundred dollars	7,800
Chief clerk, one thousand three hundred dollars	1,300
Assistant clerk, nine hundred dollars	900
Registering clerk, nine hundred dollars	900
Smoke inspectors, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Messenger and clerk, eight hundred dollars....	800
Driver, eight hundred dollars	800
Stenographer and typewriter, seven hundred dollars	700
Janitor, two hundred and sixteen dollars	216

Total, eighteen thousand eight hundred
and sixteen dollars \$18,816

Item 2. *Services other than personal:*

Carfare, postage, subsistence and care of animals, storage and care of vehicles, two thousand and eighty dollars	\$2,080
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Item 3. *Supplies:*

Special and miscellaneous, eighty-four dollars	\$84
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BUREAU ELEVATOR INSPECTION.

SECT. 8. Of the amount appropriated to this Department, the sum of thirty-seven thousand one hundred and

thirty-five (37,135) dollars is for the expenses of the Bureau of Elevator Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, three thousand five hundred dollars	\$3,500
Deputy inspector, two thousand dollars	2,000
Inspectors, 20 at \$1,000 each, twenty thousand dollars	20,000
Inspectors, 4 at \$1,200 each, four thousand eight hundred dollars	4,800
Clerks, 3 at \$1,100 each, three thousand three hundred dollars	3,300
Clerk, one thousand dollars	1,000
Stenographer, one thousand dollars	1,000
Messenger, seven hundred dollars	700
Cleaners for offices, three hundred and sixty dollars	360

Total, thirty-six thousand six hundred and sixty dollars \$36,660

Item 2. *Services other than personal:*

Transportation and postage, four hundred and twenty-five dollars	\$425
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Item 3. *Supplies:*

Stationery, fifty dollars	\$50
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SECT. 9. The Director shall be allowed, when it is in his judgment to the best interest of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars each.

SECT. 10. All bids shall be opened and all contracts awarded in the presence of the Committee of Councils having supervision.

SECT. 11. That the money appropriated for uniforms in this Department shall be paid to each man.

SECT. 12. That in the Bureau of Police, one warrant to be drawn in favor of the Lieutenant of each District for the pay of all employees in the Bureau of Police in his District: *Provided*, That such employees shall give a warrant of attorney in favor of the Lieutenant empowering him to collect their pay.

Provided also, In the Bureau of Fire, one warrant to be drawn in favor of the captain of each company for the payment of all employees of the Bureau of Fire in his company: *Provided*, That such employees shall give a warrant of attorney in favor of the Captain empowering him to collect their pay. Warrants for the Director's Office, and the Bureaus of Police, Correction and Fire shall be drawn by the Director of the Department of Public Safety, and all other warrants by the chiefs of the respective Bureaus, and shall be approved by the Director of the Department of Public Safety in conformity with existing ordinances: *Provided also*, That before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that none but American citizens have been employed on the work, in accordance with the provisions of the ordinance of Councils entitled "An Ordinance for the employment of American citizens by contractors doing work for the City of Philadelphia," approved by the Mayor December 16, 1896.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Works, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of five million four hundred and thirty-one thousand seven hundred and ten (5,431,710) dollars and seventy-two (72) cents be, and the same is hereby appropriated to the Department of Public Works, for the year 1913.

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department, the sum of ninety-six thousand one hundred and fifty-five (96,155) dollars is for the expenses of the Director's Office, as follows:

Item 1. *Personal services:*

(a) Salaries:

Director, ten thousand dollars.....	\$10,000
Assistant director, four thousand dollars.....	4,000
General inspector, two thousand five hundred dollars	2,500
Special inspector, two thousand five hundred dollars	2,500
Chief clerk, two thousand five hundred dollars	2,500
Paymaster, one thousand five hundred dollars	1,500
Paymaster's clerk, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Clerk, one thousand five hundred dollars.....	1,500
Assistant clerk, one thousand two hundred dollars	1,200
Chauffeurs, 2 at \$1,000 each, two thousand dollars	2,000
Stenographer and clerk, one thousand one hundred dollars	1,100
Stenographer and typewriter, 2 at \$900 each, one thousand eight hundred dollars	1,800

Messenger, nine hundred dollars	\$900
Office boy, three hundred and sixty dollars....	360
Telephone switchboard operator, four hundred and eighty dollars	480
Janitress, six hundred dollars	600
(b) Fees for investigating matters of vital in- terest to the public, two thousand five hundred dollars	2,500

Total, thirty-seven thousand six hundred
and forty dollars \$37,640

Item 2. *Services other than personal:*

(a) Transportation, carriage, cab and motor vehicle hire, two hundred dollars.....	\$200
(b) Storage and care of 2 automobiles, four hun- dred dollars	400
(c) Communication service, advertising and pub- lication of notices, five hundred dollars.....	500

Total, one thousand one hundred dollars.. \$1,100

Item 3. *Supplies:*

Pamphlets, magazines, newspapers and miscel- laneous, two hundred dollars	\$200
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MAINTENANCE.

Item 4. Repairs to 2 automobiles, one thousand six hundred dollars	\$1,600
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FIXED CHARGES.

Item 5 (a). Rent of telautographs, one hundred and seventy-five dollars	\$175
(b) Licenses for 2 automobiles, twenty dollars..	20
(c) Annual membership fee in organization of City officials for standardizing paving spec- fications, one hundred dollars.....	100

Total, two hundred and ninety-five dollars \$295

COMPREHENSIVE PLANS.

OPERATION.

Item 6. *Personal services:*

(a) Salaries:

Secretary, two thousand five hundred dollars..	\$2,500
Janitress, one hundred and twenty dollars	120

(b) Fees for special services—civil, mechanical, hydraulic, sanitary, landscape, architectural and consulting engineers; gardeners, architects, experts, advisers, assistants and such other necessary employees to further the objects of the Committee on Comprehensive Plans, two thousand dollars	2,000
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Total, four thousand six hundred and twenty dollars	\$4,620
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Item 7. *Services other than personal:*

Transportation and communication service, three hundred and fifty dollars	\$350
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Item 8. *Supplies:*

Books and periodicals, one hundred dollars...	\$100
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Item 9. *Miscellaneous:*

Expenditures in connection with exhibits, two hundred and fifty dollars.....	\$250
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TRANSPORTATION IMPROVEMENT.

Item 10. Investigation and report on improved rapid transit facilities, fifty thousand dollars..	\$50,000
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BUREAU OF GAS.

SECT. 2. Of the amount appropriated to this Department, the sum of ten thousand (10,000) dollars is for the expenses of the Bureau of Gas, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief inspector of meters, five thousand dollars	\$5,000
First assistant inspector of meters, one thousand two hundred dollars.....	1,200
Second assistant inspector of meters, nine hundred dollars	900
Clerk and assistant inspector, nine hundred dollars	900
Photometer inspector, seven hundred and fifty dollars	750
Messenger and assistant inspector of meters, seven hundred and fifty dollars.....	750

(b) Cleaning rooms, one hundred and eighty dollars	180
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Total, nine thousand six hundred and eighty dollars	\$9,680
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Item 2. *Services other than personal:*

Car fare, postage, printing and miscellaneous, three hundred and twenty dollars	\$320
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BUREAU OF LIGHTING.

SECT. 3. Of the amount appropriated to this Department, the sum of five hundred and seventy-nine thousand and twenty-two (579,022) dollars is for the expenses of the Bureau of Lighting, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief of Bureau, two thousand dollars.....	\$2,000
Chief clerk, one thousand two hundred dollars	1,200
Clerk, nine hundred dollars.....	900

Inspectors, 4 at \$1,000 each, four thousand dollars	\$4,000
(b) Cleaning offices, ninety dollars	90
Total, eight thousand one hundred and ninety dollars	\$8,190

Item 2. *Services other than personal:*

(a) Transportation, subsistence and care of animals, storage and care of vehicles, communication service and advertising, one thousand nine hundred and sixty dollars	\$1,960
(d) Incandescent naphtha lighting, five hundred and forty thousand and thirty-eight dollars . . .	540,038

Provided, That the rate shall not be less than twenty-nine (29) dollars per lamp per year and that each lamp shall be sixty candle power: *Provided further*, No naphtha lamp shall be located on any street where gas mains are laid.

(f) Incandescent naphtha lighting of not less than sixty (60) candle power, in the outlying parts of the City where gas mains are now or may hereafter be laid, at the rate of twenty-nine (29) dollars per lamp per annum, seventeen thousand four hundred dollars	17,400
(g) Incandescent naphtha lighting, additional lights, two thousand five hundred dollars	2,500
(h) Lighting Northern Liberties district, one thousand three hundred and thirty-four dollars	1,334

Total, five hundred and sixty-three thousand two hundred and thirty-two dollars \$563,232

MAINTENANCE.

Item 3. Repairs to vehicles and harness, one hundred dollars	\$100
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CAPITAL OUTLAY.

- Item 4. Additional incandescent naphtha lamps, all new posts to be furnished at the rate of seven (7) dollars and fifty (50) cents each, seven thousand five hundred dollars..... \$7,500

Provided, No new lamps shall be located without resolution of Councils.

BUREAU OF HIGHWAYS.

SECT. 4. Of the amount appropriated to this Department the sum of two million six hundred and ninety-one thousand one hundred and forty-six (2,691,146) dollars is for the expenses of the Bureau of Highways, as follows:

DIVISION OF ADMINISTRATION.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief of Bureau, six thousand dollars	\$6,000
Assistant engineers, 2 at \$4,000 each, eight thousand dollars	8,000
Assistant engineer, three thousand dollars....	3,000
Assistant engineer, two thousand five hundred dollars	2,500
Assistant engineers, 2 at \$2,100 each, four thousand two hundred dollars	4,200
Assistant engineers, 4 at \$1,800 each, seven thousand two hundred dollars	7,200
Engineering inspectors, 4 at \$1,500 each, six thousand dollars	6,000
Entomologist, one thousand five hundred dollars	1,500
Engineering inspectors, 4 at \$1,300 each, five thousand two hundred dollars	5,200
Stenographer or clerk, one thousand one hundred dollars	1,100

Stenographers or clerks, 2 at \$900 each, one thousand eight hundred dollars	\$1,800
Stenographer or clerk, seven hundred and twenty dollars	720
Telephone operator, six hundred dollars.....	600
Chauffeurs, 3 at \$1,000 each, three thousand dollars	3,000
Messenger, nine hundred dollars	900
Messenger, eight hundred dollars	800
Janitress, four hundred and eighty dollars ...	480
Janitress, three hundred dollars	300

Total, fifty-three thousand three hundred dollars \$53,300

Item 2. *Services other than personal:*

(a) Transportation, hotel expenses, meals, communication service and advertising, six hundred and seventy-five dollars	\$675
(b) Storage and care of 3 automobiles, six hundred dollars	600

Total, one thousand two hundred and seventy-five dollars \$1,275

Item 3. *Supplies:*

Books, pamphlets, magazines, newspapers and miscellaneous, three hundred and thirty-five dollars	\$335
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MAINTENANCE.

Item 4 (a) Repairs to automobiles, three hundred dollars	\$300
(b) Miscellaneous, three hundred dollars.....	300

Total, six hundred dollars \$600

FIXED CHARGES.

Item 5 (a) Rent of district offices and yards, three thousand and ninety-six dollars.....	\$3,096
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(b) Fees for licenses, 3 automobiles at \$10 each, thirty dollars	\$30
Total, three thousand one hundred and twenty-six dollars	\$3,126

AUDIT AND ACCOUNT.

OPERATION.

Item 6. *Personal services:*

Salaries:

Chief clerk, two thousand eight hundred dol- lars	\$2,800
Assistant chief clerk, two thousand dollars....	2,000
Clerk, one thousand eight hundred dollars	1,800
Clerks, 5 at \$1,400 each, seven thousand dol- lars	7,000
Clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Requisition clerk, one thousand dollars	1,000
Clerks, 2 at \$1,000 each, two thousand dollars	2,000
Clerk, nine hundred dollars	900
Total, nineteen thousand seven hundred dollars	\$19,700

PERMITS AND LICENSES.

OPERATION.

Item 7. *Personal services:*

Supervising engineer, two thousand one hun- dred dollars	\$2,100
License clerk, one thousand two hundred dollars	1,200
Assistant license clerk, nine hundred dollars..	900
Total, four thousand two hundred dol- lars	\$4,200

BOARD OF HIGHWAY SUPERVISORS.

OPERATION.

Item 8. *Personal services:*

Salaries:

Chief draughtsman, one thousand five hundred dollars	\$1,500
Draughtsmen, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Draughtsmen, 7 at \$950 each, six thousand six hundred and fifty dollars	6,650
Draughtsmen, 3 at \$800 each, two thousand four hundred dollars	2,400
Clerk, nine hundred dollars	900
Janitress, one hundred and eighty dollars	180

Total, fourteen thousand and thirty dollars \$14,030

Item 9. *Services other than personal:*

Transportation and miscellaneous, fifty dollars	\$50
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INSPECTION.

OPERATION.

Item 10. *Personal services:*

Salaries:

Inspectors, 56 at \$1,300 each, seventy-two thousand eight hundred dollars	\$72,800
Inspectors (when employed), at \$100 each per month, fifty-six thousand two hundred dollars	56,200

Total, one hundred and twenty-nine thousand dollars \$129,000

Item 11. *Services other than personal:*

(a) Transportation, seven thousand dollars	\$7,000
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(b) Boarding, stabling, storage and care of animals, five thousand dollars	\$5,000
(c) Horse shoeing, one thousand dollars	1,000

Total, thirteen thousand dollars..... \$13,000

DISTRICT OFFICES OF ASSISTANT ENGINEERS.

OPERATION.

Item 12. *Personal services:*

Salaries:

Assistant engineers, 8 at \$2,500 each, twenty-thousand dollars	\$20,000
Engineering inspectors, 8 at \$1,500 each, twelve thousand dollars	12,000
Typewriters and clerks, 8 at \$720 each, five thousand seven hundred and sixty dollars..	5,760
Yard watchmen, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760

Total, forty-three thousand five hundred and twenty dollars

Item 13. *Services other than personal:*

Transportation, five hundred dollars	\$500
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CONSTRUCTION AND MAINTENANCE.

Item 14. *Personal services:*

- (a) Wages, for paving, repaving and repairing streets occupied by the Philadelphia Rapid Transit Company, in accordance with contract of July 1, 1907, when employed, as follows: Foreman, \$100 per month; roller engineers, \$100 per month; assistant foremen, \$3 per day; leader pavers, \$4.25 per day; pavers, \$3.75 per day; stationary engineers, \$3.75 per

day; rammers, \$3.25 per day; rakers, \$2.50 per day; joiners, \$2.50 per day; watchmen, \$2 per day; laborers, \$2 per day; two hundred and twenty thousand dollars	\$220,000
(b) Meadow banks and water courses: foremen, at \$4 per day; laborers at \$2 per day; five thousand dollars	5,000
Total, two hundred and twenty-five thousand dollars	\$225,000

Item 15. *Services other than personal:*

(a) Hire of teams in connection with repairs to streets and roads occupied by the Philadelphia Rapid Transit Company, forty-five thousand dollars	\$45,000
(b) Repairing all classes of streets and roads occupied by the Philadelphia Rapid Transit Co., by contract or open market order, two hundred and twenty-nine thousand dollars	229,000
(c) Rent of equipment for streets and roads occupied by the Philadelphia Rapid Transit Co., five thousand dollars	5,000
(d) Repairing around fire plugs and breaks in footways for other municipal purposes, to include patent pavements, two thousand dollars	2,000
(e) Repairing all classes of streets and roads not occupied by the Philadelphia Rapid Transit Company, one thousand dollars	1,000
Total, two hundred and eighty-two thousand dollars	\$282,000

CAPITAL OUTLAY.

Item 16. Grading, curbing, paving and repaving footways and resetting curbs in front of City and non-assessable properties, two thousand dollars	\$2,000
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STREET CLEANING.

OPERATION.

Item 17. *Personal services:*

Salaries:

Assistant chief of bureau, four thousand dollars	\$1,000
Clerk, one thousand eight hundred dollars . . .	1,800
Clerk, one thousand two hundred dollars . . .	1,200
Complaint receiver, nine hundred dollars . .	900
Clerk, nine hundred dollars	900
Stenographers or clerks, 2 at \$720 each, one thousand four hundred and forty dollars . .	1,440
Chauffeur, one thousand dollars	1,000

Total, eleven thousand two hundred and forty dollars \$11,240

Item 18. *Services other than personal:*

(a) Removal and disposal of garbage and dead animals, two hundred and twenty-nine thousand three hundred dollars	\$229,300
(b) Removal of snow and ice, two thousand five hundred dollars	2,500
(c) Cleaning and sprinkling of streets and removal of ashes and house waste, one million five hundred and sixty-six thousand three hundred dollars	1,566,300

Total, one million seven hundred and ninety-eight thousand one hundred dollars \$1,798,100

BRIDGES AND SEWERS—ENGINEERING

OPERATION.

Item 19. *Personal services:*

Salaries:

Assistant engineer, two thousand five hundred dollars	\$2,500
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Assistant engineer, two thousand one hundred dollars	\$2,100
Assistant engineer, one thousand five hundred dollars	1,500
Engineering inspectors, 3 at \$1,300 each, three thousand nine hundred dollars	3,900
Draughtsman, one thousand dollars	1,000
Clerks, 3 at \$900 each, two thousand seven hundred dollars	2,700
Stenographer or clerk, seven hundred and twenty dollars	720
Total, fourteen thousand four hundred and twenty dollars	\$14,420

Item 20. *Services other than personal:*

Transportation, two thousand three hundred and fifty dollars	\$2,350
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BRIDGES AND SEWERS—OPERATION

Item 21. *Personal services:*

Salaries:

Drawbridge operators, 9 at \$1,000 each, nine thousand dollars	\$9,000
Gatemen and operators, 8 at \$720 each, five thousand seven hundred and sixty dollars..	5,760
Gatemen, 10 at \$720 each, seven thousand two hundred dollars	7,200
Watchmen, 2 at \$720 each, one thousand four hundred and forty dollars	1,440
Total, twenty-three thousand four hundred dollars	\$23,400

BRIDGES AND SEWERS—BRIDGE MAINTENANCE.

Item 22. *Personal services:*

Wages, as follows: Foremen, \$100 per month each; bridge constructors, \$3.60 per day;

ironworkers, \$4.50 per day; stonemasons, \$4 per day; painters, \$3.60 per day; laborers, \$2.50 and \$2 per day, twenty-four thousand dollars \$24,000

Item 23. *Services other than personal:*

Hire of teams for hauling, one thousand dollars \$1,000

BRIDGES AND SEWERS—SEWER MAINTENANCE

MAINTENANCE.

Item 24. *Personal services:*

Wages, as follows: Foremen, \$100 per month each; sewer constructors, \$5 per day each; assistant foreman, \$3 per day each; laborers, \$2.50 and \$2 per day each, twenty-two thousand five hundred dollars \$22,500

Item 25. *Services other than personal:*

Hire of teams for hauling, one thousand seven hundred and fifty dollars \$1,750

FIXED CHARGES.

Item 26. Rent of equipment, seven hundred and fifty dollars \$750

BUREAU OF SURVEYS.

SECT. 5. Of the amount appropriated to this Department, the sum of four hundred and eleven thousand eight hundred and five (411,805) dollars is for the expenses of the Bureau of Surveys, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief engineer and surveyor, eight thousand dollars \$8,000

Principal assistant engineer, four thousand five hundred dollars	\$4,500
Chief and recording clerk, two thousand dollars	2,000
Assistant recording clerk, one thousand five hundred dollars	1,500
Stenographers and typewriters, 2 at \$1,000 each, two thousand dollars	2,000
Official photographer, one thousand eight hundred dollars	1,800
Assistant photographer, one thousand three hundred dollars	1,300
Assistant photographer, nine hundred and fifty dollars	950
Blue printer, six hundred dollars	600
Custodian of records, nine hundred dollars....	900
Messenger, one thousand dollars	1,000
Chauffeur, one thousand dollars	1,000
Janitor, seven hundred and twenty dollars ..	720
Janitress, four hundred and eighty dollars...	480
(b) Miscellaneous, one hundred and twenty dollars	120

Total, twenty-six thousand eight hundred and seventy dollars \$26,870

Item 2. *Services other than personal:*

(a) Transportation, expressage, hotel expenses, communication service, advertising and miscellaneous, one thousand five hundred dollars...	\$1,500
(b) Storage and care of automobiles, two hundred dollars	200

Total, one thousand seven hundred dollars \$1,700

Item 3. *Supplies:*

Pamphlets, magazines and miscellaneous, one hundred and ninety dollars	\$190
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MAINTENANCE.

Item 4. *Services other than personal:*

Repairs to automobiles, five hundred dollars..	\$500
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FIXED CHARGES.

Item 5.

Fees for automobile licenses and membership fees, one hundred and ten dollars	\$110
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RECORDING AND PLOTTING.

OPERATION.

Item 6. *Personal services:*

Salaries:

Registrar, two thousand dollars	\$2,000
Assistant registrar and search clerk, one thousand seven hundred dollars	1,700
Registry clerk, one thousand four hundred dollars	1,400
Assistant registry clerk, one thousand two hundred dollars	1,200
Draughtsman and road clerk, one thousand five hundred dollars	1,500
Draughtsman, one thousand two hundred dollars	1,200
Draughtsmen, 4 at \$1,000 each, four thousand dollars	4,000
Draughtsmen, 3 at \$900 each, two thousand seven hundred dollars	2,700
Clerk, one thousand dollars	1,000
Clerks, 5 at \$900 each, four thousand five hundred dollars	4,500

Total, twenty-one thousand two hundred dollars	\$21,200
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Item 7. *Services other than personal:*

Recording deeds and dedication of streets, two hundred dollars	\$200
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SURVEYING AND ENGINEERING.

OPERATION.

Item 8. *Personal services:*

Salaries:

District surveyors and regulators, 14 at \$4,000 each, fifty-six thousand dollars	\$56,000
Principal assistants, 17 at \$1,800 each, thirty thousand six hundred dollars	30,600
First assistants, 29 at \$1,200 each, thirty-four thousand eight hundred dollars	34,800
Second assistants, 17 at \$960 each, sixteen thousand three hundred and twenty dollars	16,320
Draughtsmen, 14 at \$1,000 each, fourteen thousand dollars	14,000
Transitmen, 26 at \$840 each, twenty-one thousand eight hundred and forty dollars	21,840
Rodmen, 28 at \$720 each, twenty thousand one hundred and sixty dollars	20,160
Chainmen, 13 at \$480 each, six thousand two hundred and forty dollars	6,240
Apprentices, 3 at \$360 each, one thousand and eighty dollars	1,080
Messenger, 2 at \$360 each, seven hundred and twenty dollars	720
Stenographer, eight hundred and forty dollars.	840

Total, two hundred and two thousand six hundred dollars\$202,600

Item 9. *Services other than personal:*

(a) Transportation, seven hundred dollars	\$700
(b) Hire, storage and care of horses and vehicles, three thousand eight hundred and seventy-five dollars	3,875
(c) Cleaning offices, one thousand five hundred dollars	1,500
(d) Postage, two hundred dollars	200

(e) Furnishing light, one hundred and fifty dollars	\$150
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Total, six thousand four hundred and twenty-five dollars	\$6,425
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Item 10. *Supplies:*

Miscellaneous, three hundred dollars	\$300
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FIXED CHARGES.

Item 11. Rent of 14 district offices, seven thousand five hundred dollars	\$7,500
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PREPARATION OF PLANS.

OPERATION.

Item 12. *Personal services:*

Salaries:

Assistant engineer, three thousand dollars	\$3,000
Assistant engineer, field corps, one thousand eight hundred dollars	1,800
Architectural draughtsman, two thousand one hundred dollars	2,100
Draughtsman, one thousand five hundred dollars	1,500
Draughtsman, one thousand two hundred dollars	1,200
Draughtsman, one thousand dollars	1,000
Draughtsman, nine hundred dollars	900
Transitman, field corps, eight hundred and forty dollars	840
Rodman, field corps, seven hundred and twenty dollars	720
Chainman, field corps, five hundred dollars..	500

Total, thirteen thousand five hundred and sixty dollars	\$13,560
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Item 13. *Services other than personal:*

Transportation, field corps, three hundred and fifty dollars	\$350
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SEWERS AND INLETS.

OPERATION.

Item 14. *Personal services:*

Salaries:

Assistant engineers, 2 at \$3,000 each, six thousand dollars	\$6,000
Sewer registrar, one thousand five hundred dollars	1,500
Draughtsman, one thousand four hundred dollars	1,400
Draughtsmen, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Draughtsmen, 3 at \$1,000 each, three thousand dollars	3,000
Draughtsmen, 2 at \$900 each, one thousand eight hundred dollars	1,800
Sewer clerk, one thousand two hundred dollars	1,200
Permit clerk, one thousand two hundred dollars	1,200
Inspectors of drain connections, 3 at \$1,200 each, three thousand six hundred dollars...	3,600
Supervisors of intercepting sewers, 2 at \$1,000 each, two thousand dollars	2,000

Total, twenty-four thousand one hundred dollars

\$24,100

Item 15. *Services other than personal:*

Transportation for examination of sewers, one hundred dollars	\$100
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MAINTENANCE.

Item 16. *Services other than personal:*

(a) Reconstruction of inlets, one thousand dollars	\$1,000
(b) Repairs to old sewers, fifty thousand dollars	50,000

Total, fifty-one thousand dollars

\$51,000

CONSTRUCTION OF BRIDGES.

OPERATION.

Item 17. *Personal services:*

Salaries:

Assistant engineer, four thousand dollars	\$4,000
Draughtsman, two thousand dollars	2,000
Draughtsman, one thousand two hundred dol- lars	1,200
Draughtsman, one thousand dollars	1,000
Total, eight thousand two hundred dol- lars	\$8,200

TESTING OF MATERIALS.

OPERATION.

Item 18. *Personal services:*

Salaries:

Assistant engineer, three thousand dollars	\$3,000
First assistant, one thousand five hundred dollars	1,500
Chemist, one thousand five hundred dollars . .	1,500
Assistant chemist, one thousand three hundred dollars	1,300
Laboratory assistants, 2 at \$1,000 each, two thousand dollars	2,000
Laboratory assistants, 3 at \$900 each, two thou- sand seven hundred dollars	2,700
Total, twelve thousand dollars	\$12,000

DISPOSAL OF SEWAGE.

OPERATION.

Item 19. *Personal services:*

(a) Salaries:

Assistant engineer, two thousand four hundred dollars	\$2,400
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Assistant engineer, one thousand five hundred dollars	\$1,500
Draughtsman, one thousand two hundred dollars	1,200
Draughtsmen, 2 at \$1,000 each, two thousand dollars	2,000
Stenographer and recording clerk, nine hundred dollars	900
Inspector of caulking, filter operator, one thousand three hundred and eighty dollars	1,380
Engineers, 3 at \$1,000 each, three thousand dollars	3,000
Watchman, seven hundred and twenty dollars	720
Assistant operators, 2 at \$900 each, one thousand eight hundred dollars	1,800
(b) Wages for extra help, laborers, not exceeding \$2.50 per day, five thousand dollars	5,000
Total, nineteen thousand nine hundred dollars	\$19,900

MAINTENANCE. .

- Item 20. Repairs to plant and equipment (Pennypack), five thousand dollars \$5,000
- Item 21. Improvement of South Delaware avenue, ten thousand dollars \$10,000

Provided, That a charge of fifty (50) cents shall be made for each search of registered owners of property, to pay for wear and tear on books.

BUREAU OF WATER.

SECT. 6. Of the amount appropriated to this Department the sum of one million one hundred and twelve thousand four hundred and one (1,112,401) dollars is for the expenses of the Bureau of Water, as follows:

ADMINISTRATION.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief of bureau, ten thousand dollars	\$10,000
Second assistant to chief, two thousand dollars	2,000
Chief draughtsman, one thousand eight hundred dollars	1,800
Engineering clerk, one thousand five hundred dollars	1,500
Draughtsman, one thousand two hundred dollars	1,200
Draughtsmen, 2 at \$1,000 each, two thousand dollars	2,000
Draughtsmen, 2 at \$900 each, one thousand eight hundred dollars	1,800
Draughtsmen, 2 at \$800 each, one thousand six hundred dollars	1,600
Engineer in charge of boilers, one thousand five hundred dollars	1,500
Correspondence clerk, one thousand two hundred dollars	1,200
Stenographer, one thousand dollars	1,000
Clerk, eight hundred dollars	800
Chauffeur, one thousand dollars	1,000
Messenger, seven hundred and twenty dollars	720
Janitor, seven hundred and twenty dollars	720
Watchmen, 2 at \$720 each, one thousand four hundred and forty dollars	1,440

Total, thirty thousand two hundred and eighty dollars \$30,280

Item 2. *Services other than personal:*

- (a) Transportation, hotel expenses, communication service, advertising and miscellaneous, one thousand eight hundred and forty dollars \$1,840

(b) Storage and care of automobiles, nine hundred dollars	\$900
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Total, two thousand seven hundred and forty dollars	\$2,740
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Item 3. *Supplies:*

Pamphlets, magazines and newspaper clippings, fifty dollars	\$50
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MAINTENANCE.

Item 4. Repairs to automobiles, two hundred and sixty-five dollars	\$265
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FIXED CHARGES.

Item 5. (a) Ground rent, 918 Cherry street, twenty-five dollars	\$25
(b) Fees for automobile licenses, forty dollars..	40

Total, sixty-five dollars	\$65
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AUDIT AND ACCOUNT.

OPERATION.

Item 6. *Personal services:*

Salaries:

Chief clerk, two thousand dollars	\$2,000
Assistant clerk, two thousand dollars	2,000
Assistant clerk, one thousand five hundred dollars	1,500
Paymaster, one thousand two hundred dollars..	1,200
Assistant to paymaster, one thousand dollars..	1,000
Clerks, 3 at \$1,000 each, three thousand dollars	3,000
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Clerks, 2 at \$800 each, one thousand six hundred dollars	1,600
General storekeeper, one thousand dollars	1,000
Stenographer, nine hundred dollars	900

Total, sixteen thousand dollars	\$16,000
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HYDROGRAPHIC CORPS.

OPERATION.

Item 7. *Personal services:*

Salaries:

Gauge observer, six hundred dollars	\$600
Gauge observer, four hundred and eighty dollars	480
Gauge observer, three hundred dollars	300
Gauge observers, 6 at \$36 each, two hundred and sixteen dollars	216

Total, one thousand five hundred and ninety-six dollars \$1,596

OFFICE OF REGISTRAR.

OPERATION.

Item 8. *Personal services:*

(a) Salaries:

Registrar, two thousand four hundred dollars..	\$2,400
Permit clerk, one thousand three hundred dollars	1,300
Search clerk, one thousand three hundred dollars	1,300
Assistant clerk, one thousand two hundred dollars	1,200
Clerks, 3 at \$1,000 each, three thousand dollars	3,000
Clerks, 7 at \$900 each, six thousand three hundred dollars	6,300
Clerks, 6 at \$800 each, four thousand eight hundred dollars	4,800
Stenographer, nine hundred dollars	900
Chief inspector, one thousand two hundred dollars	1,200
Inspectors, 45 at \$1,000 each, forty-five thousand dollars	45,000

(b) Expense of making water rent duplicates,
three thousand dollars \$3,000

Total, seventy thousand four hundred
dollars \$70,400

Item 9. *Services other than personal:*

Carfare for inspectors, seven hundred and fifty
dollars \$750

OFFICE OF GENERAL SUPERINTENDENT.

OPERATION.

Item 10. *Personal services:*

Salaries:

General superintendent, three thousand five
hundred dollars \$3,500

Third assistant to chief, one thousand six hun-
dred dollars 1,600

Stenographer, nine hundred dollars 900

Clerks, 2 at \$900 each, one thousand eight hun-
dred dollars 1,800

Telephone operator (night), 2 at \$1,000 each,
two thousand dollars 2,000

Telephone operator and clerk, eight hundred
dollars 800

Total, ten thousand six hundred dol-
lars \$10,600

Item 11. *Services other than personal:*

(a) Transportation and vehicle hire, one thousand
seven hundred and fifty dollars \$1,750

(b) Hauling machinery, one thousand dollars .. 1,000

(c) Hauling ashes, three thousand dollars 3,000

(d) Storage and care of automobiles, one hundred
and fifty dollars 150

Total, five thousand nine hundred dol-
lars \$5,900

MAINTENANCE.

Item 12. Repairs to automobiles, two hundred and fifty dollars	\$250
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PUMPING STATIONS.

OPERATION.

Item 13. *Personal services:*

Salaries:

Chief engineer (Lardner's Point), two thousand four hundred dollars	\$2,400
Chief engineer (Torresdale), two thousand dollars	2,000
Chief engineers (Belmont, Queen Lane, Shawmont), 3 at \$1,500 each, four thousand five hundred dollars	4,500
Engineers, 7 at \$1,080 each, seven thousand five hundred and sixty dollars	7,560
Engineers, 41 at \$1,000 each, forty-one thousand dollars	41,000
Engineers (with houses), 2 at \$810 each, one thousand six hundred and twenty dollars..	1,620
Firemen, 9 at \$840 each, seven thousand five hundred and sixty dollars	7,560
Firemen, 110 at \$800 each, eighty-eight thousand dollars	88,000
Oilers, 120 at \$800 each, ninety-six thousand dollars	96,000
Coal passers, 50 at \$720 each, thirty-six thousand dollars	36,000
Storekeeper (Torresdale), nine hundred and fifty dollars	950
Storekeepers, 4 at \$800 each, three thousand two hundred dollars	3,200
Clerks, 3 at \$900 each, two thousand seven hundred dollars	2,700
Special officers, 5 at \$900 each, four thousand five hundred dollars	4,500

Watchmen, 26 at \$720 each, eighteen thousand seven hundred and twenty dollars	\$18,720
Janitors, 9 at \$600 each, five thousand four hundred dollars	5,400
Superintendent (H. P. Pumping Stations), two thousand two hundred dollars	2,200
Engineers, 2 at \$1,400 each (H. P. Pumping Stations), two thousand eight hundred dollars	2,800
Engineers, 4 at \$1,300 each (H. P. Pumping Stations), five thousand two hundred dollars	5,200
Oilers, 14 at \$800 each (H. P. Pumping Stations), eleven thousand two hundred dollars	11,200
Janitors, 2 at \$720 each (H. P. Pumping Stations), one thousand four hundred and forty dollars	1,440
Assistant Superintendent (H. P. Pumping Stations), one thousand five hundred dollars ...	1,500
Chauffeurs, 2 at \$1,000 each (H. P. Pumping Stations), two thousand dollars	2,000
Engineer (Mingo Creek Pumping Station), nine hundred dollars	900
Fireman (Mingo Creek Pumping Station), seven hundred and twenty dollars	720
Watchman (Mingo Creek Pumping Station), six hundred dollars	600
Total, three hundred and fifty thousand six hundred and seventy dollars	\$350,670

MAINTENANCE.

Item 14. *Personal services:*

Salaries:

Foreman of pipe repairs, 2 at \$1,200 each, two thousand four hundred dollars	\$2,400
Caulkers (as line walkers), 3 at \$1,000 each, three thousand dollars	3,000
Laborers (as line walkers), 3 at \$720 each, two thousand one hundred and sixty	2,160

Total, seven thousand five hundred and sixty dollars \$7,560

Item 15. *Services other than personal:*

Uniforms, 14 oilers at \$40 each, five hundred and sixty dollars	\$560
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FILTRATION.

OPERATION.

Item 16. *Personal services:*

Salaries:

First assistant to chief, two thousand seven hundred dollars	\$2,700
Engineer in charge of filter records, one thousand five hundred dollars	1,500
Assistant engineer, one thousand five hundred dollars	1,500
Chemists, 2 at \$2,000 each, four thousand dollars	4,000
Assistant chemists, 2 at \$960 each, one thousand nine hundred and twenty dollars.....	1,920
Bacteriologists, 2 at \$1,500 each, three thousand dollars	3,000
Assistant bacteriologists, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Laboratory assistant, seven hundred and twenty dollars	720
Clerk, nine hundred dollars	900
Clerks, 3 at \$800 each, two thousand four hundred dollars	2,400
Superintendent of filters (Schuylkill plants), one thousand eight hundred dollars	1,800
Superintendent of filters (Torresdale), one thousand eight hundred dollars	1,800
Superintendents of filters (Queen Lane, Belmont and Roxborough), 3 at \$1,500 each, four thousand five hundred dollars	4,500
Foreman of filter attendants, one thousand dollars	1,000
Foremen of filter attendants, 6 at \$900 each, five thousand four hundred dollars	5,400

Filter attendants, 36 at \$800 each, twenty-eight thousand eight hundred dollars	\$28,800
Foreman of laborers, 3 at \$960 each, two thousand eight hundred and eighty dollars.....	2,880
Watchmen, 5 at \$720 each, three thousand six hundred dollars	3,600
Laborers, 275 at \$2 per day; laborers, 12 at \$2.50 per day; laborers, 5 at \$3 per day, seventy-five thousand dollars	75,000

Total, one hundred and forty-five thousand eight hundred and twenty dollars \$145,820

EQUIPMENT AND REPAIRS.

MAINTENANCE.

Item 17. *Personal services:*

Salaries:

Foreman of machinists, two thousand dollars..	\$2,000
Inspector, one thousand eight hundred dollars	1,800
Superintendent of shop, one thousand five hundred dollars	1,500
Clerk to superintendent of shop, nine hundred dollars	900
Clerk, eight hundred dollars	800
Foreman of shop, one thousand four hundred dollars	1,400
Foreman of riggers, one thousand dollars	1,000
Assistant foreman of riggers, nine hundred dollars	900
Lineman, one thousand two hundred dollars ...	1,200
Blacksmith, one thousand two hundred dollars.	1,200
Blacksmith's helper, one thousand dollars....	1,000
Engineer, \$3 per day; driver, \$2.25 per day; machinists, 7 at \$4.25 per day; 45 at \$3.75 per day; 3 at \$3.50 per day; machinists' helpers, 30 at \$2.50 per day; boilermakers, 12 at \$4 per day; boilermakers' helpers, 11	

at \$3 per day; painters, 2 at \$3.60 per day; carpenters, 2 at \$4 per day; bricklayers, 5 at \$5 per day; tinsmith, \$3 per day; pattern-makers, 4 at \$4 per day; blacksmiths, 4 at \$3.75 per day; blacksmiths' helpers, 5 at \$2.50 per day; crane runners, 2 at \$3 per day; diver, \$3.50 per day; laborers, 6 at \$3 per day; laborers, 14 at \$2.50 per day; laborers, 165 at \$2 per day; one hundred and twenty-two thousand eight hundred dollars \$122,800

Total, one hundred and thirty-six thousand five hundred dollars \$136,500

STRUCTURAL REPAIRS.

MAINTENANCE.

Item 18. *Personal services:*

(a) Salaries:

Assistant to general superintendent, one thousand five hundred dollars	\$1,500
Foreman of bricklayers, one thousand six hundred dollars	1,600
Foreman of carpenters, one thousand two hundred dollars	1,200
Foreman of painters, one thousand dollars ..	1,000
Foreman of laborers, nine hundred and sixty dollars	960

(b) Wages, as follows: Machinists, 2 at \$3.75 per day; machinists' helper, 1 at \$2.50 per day; painters, 5 at \$3.60 per day; carpenters, 10 at \$4 per day; bricklayers, 2 at \$5 per day; tinsmiths, 3 at \$3 per day; laborers, 222 at \$2 per day, seventy-five thousand dollars.... 75,000

Total, eighty-one thousand two hundred and sixty dollars \$81,260

DISTRIBUTION SYSTEM.

OPERATION.

Item 19. *Personal services:*

Salaries:

Assistant engineer, two thousand five hundred dollars	\$2,500
Pipe inspector, one thousand five hundred dollars	1,500
Pipe clerk, one thousand dollars	1,000
Clerk, one thousand dollars	1,000
Assistant clerks, 3 at \$900 each, two thousand seven hundred dollars	2,700
Clerks, 2 at \$800 each, one thousand six hundred dollars	1,600
Stenographer, nine hundred dollars	900

Total, eleven thousand two hundred dollars \$11,200

Item 20. *Services other than personal:*

(a) Transportation, six hundred and fifty dollars	\$650
(b) Hauling water pipe, one thousand five hundred dollars	1,500
(c) Hotel expenses, pipe inspectors, five hundred dollars	500
(d) Storage and care of automobiles, one hundred and fifty dollars	150

Total, two thousand eight hundred dollars \$2,800

MAINTENANCE.

Item 21. *Services other than personal:*

Repairs to automobiles, three hundred dollars	\$300
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METER INSTALLATION.

OPERATION.

Item 22. *Personal services:*

Salaries:

Foreman of plumbers, one thousand dollars..	\$1,000
Superintendent of meters, one thousand five hundred dollars	1,500
Clerk, nine hundred dollars	900

Total, three thousand four hundred dollars \$3,400

MAINTENANCE.

Item 23. *Personal services:*

Wages, as follows: Plumbers, 18 at \$3.50 per day; plumbers' helpers, 12 at \$2.50 per day; machinists, 3 at \$3.75 per day; laborers, 18 at \$3 per day; laborers, 18 at \$2.50 per day; laborers, 28 at \$2 per day; thirty-five thousand dollars

\$35,000

Item 24. *Services other than personal:*

Repairs to automobile, one hundred dollars... \$100

INSPECTION OF DISTRIBUTION.

OPERATION.

Item 25. *Personal services:*

Salaries:

Purveyors, 7 at \$1,480 each, ten thousand three hundred and sixty dollars	\$10,360
Purveyors' clerks, 7 at \$900 each, six thousand three hundred dollars	6,300
Purveyors' assistant clerks, 7 at \$800 each, five thousand six hundred dollars	5,600
Yardkeeper, first district, nine hundred dollars	900

Yardkeeper, fourth district, nine hundred and fifteen dollars	\$915
Hydrant inspectors, 10 at \$800 each, eight thousand dollars	8,000
General foremen, 7 at \$1,200 each, eight thousand four hundred dollars	8,400
Stop attendants, one thousand dollars	1,000
Watchmen, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760
Drivers, 27 at \$2.25 per day, eight thousand dollars	8,000
Total, fifty-five thousand two hundred and thirty-five dollars	\$55,235

Item 26. *Services other than personal:*

(a) Care of animals, clipping, cleaning, shoeing and veterinary services, two thousand three hundred dollars	\$2,300
(b) Storage and care of automobiles and motor trucks, five hundred dollars	500
Total, two thousand eight hundred dollars	\$2,800

MAINTENANCE.

Item 27. *Personal services:*

(a) Salaries:	
Foremen of repairs, 9 at \$850 each, seven thousand six hundred and fifty dollars	\$7,650
(b) Wages, as follows: Plumbers, at \$3.60 per day; caulkers, 37 at \$3 per day; drillers, 4 at \$3 per day; pitometer operators, 6 at \$3.50 per day; laborers, 2 at \$3.50 per day; laborers, 24 at \$3 per day; laborers, 17 at \$2.50 per day; laborers, 200 at \$2 per day; one hundred thousand dollars	\$100,000
Total, one hundred and seven thousand six hundred and fifty dollars	\$107,650

Item 28. *Services other than personal:*

- | | |
|---|---------|
| (a) Repairs to wagons, carts and harness, one thousand dollars | \$1,000 |
| (b) Repairs to automobiles and motor trucks, one thousand six hundred and fifty dollars | 1,650 |

Total, two thousand six hundred and fifty dollars	\$2,650
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CAPITAL OUTLAY.

Item 29. *Personal services:*

Wages, as follows: Caulkers, 10 at \$3 per day;
 drillers, 4 at \$3 per day; laborers, 84 at \$2
 per day, thirty thousand dollars \$30,000

Provided, That no employee be carried on the pay roll longer than one week in case of sickness unless physically injured in his line of duty.

Provided further, That nothing in this ordinance shall prevent the Director of the Department of Public Works from laying water pipe or making repairs by day's work or from the employment of any additional service in the Bureau of Water when the exigencies require.

BUREAU OF CITY PROPERTY.

SECT. 7. Of the amount appropriated to this Department, the sum of five hundred and thirty-one thousand one hundred and eighty-one (531,181) dollars and seventy-two (72) cents is for the expenses of the Bureau of City Property, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief of bureau, four thousand three hundred dollars	\$4,300
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Chief clerk, one thousand seven hundred and fifty dollars	\$1,750
Chauffeur, one thousand dollars	1,000
(b) Auctioneer fees, two hundred and fifty dollars	250
Total, seven thousand three hundred dollars	\$7,300

Item 2. *Equipment:*

Automobile, two thousand dollars	\$2,000
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FIXED CHARGES.

Item 3. (a) Rent of wharf for sanatorium boats, five hundred dollars	\$500
(b) Ground rents, four hundred and seventy-one dollars and sixty-seven cents.....	471 67
(c) Interest on mortgage on 1018 S. Forty-ninth street, one hundred and seventy-eight dollars and seventy-five cents	178 75
(d) Interest on mortgage on Broad and Arch streets, thirty-four thousand dollars	34,000
(e) Electric light for military organizations, one thousand eight hundred and fifty dollars	1,850
(f) Gas light for military organizations, four thousand four hundred and fifty dollars..	4,450
(g) Taxes on Lazaretto property Delaware County, three hundred and twelve dollars..	312

Total, forty-one thousand seven hundred and sixty-two dollars and forty-two cents\$41,762 42

Provided, That the general allowance for electric and gas light for military organizations shall be at the rate of one hundred (100) dollars for each company, and that the First, Second and Third Regiments and State Fencibles shall be allowed one hundred and fifty (150) dollars; Philadelphia Battalion, Sixth Regiment, First

and Second Troops, T. C. C., "Troop A," Cavalry Naval Reserves, Company B, Engineer's Battalion, Troop G, Cavalry, Cavalry Squadron headquarters, seventy-five (75) dollars each additional for headquarters and armory: *Provided also*, Any bills in excess of the sum allowed to each organization shall be settled and paid in full by said organization before the last payment shall be made from this appropriation: *Provided further*, That no warrant shall be drawn against this item in favor of any of the organizations named until all the bills due for lighting by said organization shall be paid, the light to be used exclusively by said organizations.

CAPITAL OUTLAY.

Item 4. (a) Payment of instalment of purchase money due on April 1, on property on Broad and Arch streets, one hundred thousand dollars	\$100,000
(b) To satisfy mortgage on 1018 S. Forty-ninth street, six thousand five hundred dollars	6,500
Total, one hundred and six thousand five hundred dollars	\$106,500

AUDITS AND ACCOUNTS.

OPERATION.

Item 5. *Personal services:*

Salaries:

Clerk, one thousand five hundred dollars . . .	\$1,500
Clerk, one thousand one hundred dollars . . .	1,100
Clerks, 2 at \$1,000 each, two thousand dollars	2,000
Clerk and messenger, one thousand dollars . . .	1,000
Clerks of markets, 3 at \$375 each, one thousand one hundred and twenty-five dollars	1,125

Provided, That no stall be leased to any person not a citizen, nor shall any person have more than three stalls.

Stenographer, nine hundred dollars	\$900
Typewriter, seven hundred and twenty dollars	720
Total, eight thousand three hundred and forty-five dollars	\$8,345
Item 6. <i>Services other than personal:</i>	
Postage, fifty dollars	\$50
Item 7. <i>Supplies:</i>	
Miscellaneous, fifty dollars	\$50

PUBLIC BUILDINGS.

OPERATION.

Item 8. *Personal services:*

(a) Salaries:

Architect, four thousand dollars	\$4,000
Draughtsman, one thousand five hundred dol- lars	1,500
Draughtsman, one thousand two hundred dol- lars	1,200
Superintendent of real estate, one thousand five hundred dollars	1,500
Assistant superintendent, City Hall, two thou- sand dollars	2,000
Caretaker of City Hall clocks, one thousand dol- lars	1,000
Superintendent, Independence Hall, eight hun- dred dollars	800
Assistant superintendent, Independence Hall, five hundred dollars	500
Curator, Independence Hall, nine hundred dol- lars	900
Special officer, Independence Hall, eight hun- dred dollars	800
Engineer, Independence Hall, nine hundred dollars	900
Fireman, Independence Hall (8 months), four hundred dollars	400

Guards, Independence Hall, 5 at \$720 each, three thousand six hundred dollars	\$3,600
Night watchmen, Independence Hall, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160
Superintendent, Germantown Hall, six hun- dred dollars	600
Janitress, three hundred and sixty dollars....	360
Janitor, grand and petit jury rooms, seven hun- dred and twenty dollars	720
Janitors of courts, 27 at \$720 each, nineteen thousand four hundred and forty dollars..	19,440
Guides, City Hall, 7 at \$3 per day; receiver, \$3 per day; timekeeper, \$3 per day; foreman of cleaners and janitors, \$4 per day; sweep- ers and cleaners, 53 at \$2 per day; jan- itresses, 10 at \$1.75 per day; scrubbers and cleaners, Independence Hall, 3 at \$1.50 per day; cleaners, Common Pleas Court No. 2, 2 at \$1.50 per day; lavatory attendants, 17 at \$2 per day; foreman rigger, \$5 per day; riggers, 3 at \$3.60 per day; foreman la- borers, \$3.25 per day; laborers, skilled, 10 at \$2.25 per day; laborers, 35 at \$2 per day; ninety-seven thousand two hundred and eighty-seven dollars	97,287
(b) Winding clocks in public buildings, two hun- dred and fifty dollars	250

Total, one hundred and thirty-nine thou-
sand nine hundred and seventeen dol-
lars \$139,917

Item 9. *Services other than personal:*

(a) Removal of ashes and rubbish from City Hall, two thousand five hundred dollars	\$2,500
(b) Removal of ashes and rubbish from Inde- pendence Hall, one hundred dollars.....	100
(c) Hauling ice and snow from pavements in front of State House row, public halls and squares, three thousand dollars	3,000

(d) Cleaning of cesspools, one hundred dollars ..	\$100
(e) Advertising, five hundred dollars	500
(f) Window cleaning service, City Hall, three thousand dollars	3,000

Total, nine thousand two hundred dol-
lars \$9,200

Item 10. *Supplies:*

(a) Gas, station and fire houses, Northern Lib- erties Gas Works and House of Correction, five hundred dollars	\$500
(b) Uniforms, 18 at \$40 each, seven hundred and twenty dollars	720

Total, one thousand two hundred and
twenty dollars \$1,220

MAINTENANCE.

Item 11. *Personal services:*

Salaries:

Master decorator, \$5 per day; fresco paint-
ers, 5 at \$3.50 per day; painters, 12 at \$3
per day; foreman bricklayers, \$5 per day;
bricklayers, 6 at \$4.40 per day; hodman,
\$3 per day; bricklayers' helpers, 3 at \$2
per day; foreman plumber, \$5 per day;
plumbers, 3 at \$3.50 per day; gasfitter,
\$3 per day; plumber and gasfitters' help-
ers, 7 at \$2.25 per day; steamfitters, 4 at
\$3.50 per day, including Edw. Hilt, who
was injured while on duty; steamfitters'
helpers, \$2.75 per day; foreman carpen-
ter, \$5 per day; carpenters, 18 at \$3.60
per day; sixty-nine thousand seven hun-
dred and seven dollars and thirty cents \$69,707 30

Item 12. *Services other than personal:*

(a) Repairs and maintenance, City Hall, five thousand dollars	\$5,000
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(b) Repairs and maintenance, Independence Hall, one thousand dollars	\$1,000
(c) Repairs and other expenses to Town Hall, Germantown, one hundred dollars	100
(d) Repairs to property owned by and used for City purposes, including City burial grounds, one thousand five hundred dollars	1,500
(e) Cleaning and repairs of public clocks, two hundred and fifty dollars	250
Total, seven thousand eight hundred and fifty dollars	\$7,850

Item 13. *Equipment:*

Lighting, ventilating and improvement of the rooms of the Court of Common Pleas, No. 1, City Hall, two thousand dollars	\$2,000
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SQUARES, BATHS AND BURIAL GROUNDS.

OPERATION.

Item 14. *Personal services:*

(a) Salaries:

Superintendent of League Island Park, one thousand dollars	\$1,000
Superintendents of squares, 44 at \$800; 8 at \$600, forty thousand dollars	40,000
Superintendent of Northeast Boulevard, one thousand dollars	1,000
Landscape gardener, one thousand seven hundred dollars	1,700
Superintendent of City burial ground, six hundred dollars	600
Assistant at City burial ground, five hundred dollars	500
Caretaker at Frankford burial ground, three hundred dollars	300
Attendants (male) at public toilet rooms in squares, 2 at \$480 each, nine hundred and sixty dollars	960

Attendants (female) at public toilet rooms in squares, 2 at \$400 each, eight hundred dollars	\$800
Attendants (female) at public toilet rooms in squares, 6 at \$300 each, one thousand eight hundred dollars	1,800
Superintendents of public baths, 24 at \$50 per month each, from June 1st to Oct. 1st, seven thousand two hundred dollars	7,200
Watchmen at Otis street pavilion, 2 at \$720 each, one thousand four hundred and forty dollars	1,440
Laborers in squares, 40 at \$2 per day each, twenty-five thousand and forty dollars	25,040
Laborers in squares, at \$2 per day each, and laborers shoveling snow and ice from pavement in front of State House Row, City halls and public squares, seven thousand dollars	7,000
(b) Municipal Band and attendance (small parks and squares), fifteen thousand dollars	15,000
<i>Provided</i> , Any extra services rendered be at the contract price, and a clause be inserted in the contract that in case of rain there shall be no charge.	
(c) Philadelphia Band and attendance (City Hall Plaza), sixteen thousand dollars	16,000
<i>Provided</i> , Any extra services rendered be at the contract price, and that a clause be inserted in the contract that in case of rain there shall be no charge.	

Total, one hundred and twenty thousand three hundred and forty dollars \$120,340

Item 15. *Services other than personal:*

(a) Carfare, two hundred dollars \$200

(b) Removal of ashes and rubbish, two thousand eight hundred dollars	\$2,800
Total, three thousand dollars	\$3,000

Item 16. *Supplies:*

Uniforms, two thousand two hundred and forty dollars	\$2,240
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MAINTENANCE.

Item 17. *Services other than personal:*

(a) Repairs to flags, flag poles, window shades and awnings, five hundred dollars	\$500
(b) Care of Philadelphia Brigade Park on Antietam Battlefield, two hundred dollars.....	200
(c) General repairs to Morgue, one thousand dollars	1,000
(d) Manuring and sodding in squares and repairs, five thousand dollars	5,000
(e) Repairs and other expenses to City bath houses, two thousand dollars	2,000
(f) Patent pavements and repairs, one thousand dollars	1,000
Total, nine thousand seven hundred dollars	\$9,700

Provided, That any balances remaining to the credit of Item 76 (temporary loan), for improvements City line, and Item 77 (temporary loan), improving Castor road (Bureau of Highways): Item 32 (temporary loan), laying water pipe to Somerton, and Item 33 (temporary loan), repairs to East Park reservoir (Bureau of Water), and Item 44 (temporary loan), repairs to Mill Creek sewer (Bureau of Surveys), and Item 58 (Bureau of City Property), improvement of Congress Hall and Independence Square, shall not merge December 31, 1912.

SECT. 8. The Director shall be allowed, when it is in his judgment to the best interests of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars each.

SECT. 9. When the Director of the Department of Public Works is obliged to employ labor to do work under neglected or annulled contracts, then payments shall be made from item against which such contracts are charged, and the amount so paid charged against the contractor, on the amount set aside for such neglected or annulled contracts.

SECT. 10. That all bids shall be opened and all contracts awarded in the presence of the Committee of Councils having supervision.

SECT. 11. That the money appropriated for uniforms in this Department shall be paid to each man.

SECT. 12. Warrants shall be drawn as follows: For employees in the District Surveyor's Office (Bureau of Surveys), one warrant, payable monthly.

For Bureau of Highways: For employees on repairs to streets, sewers, bridges, meadow banks and water courses, one warrant for each class of work, payable semi-monthly.

For Bureau of Water and Filtration: For employees at the pumping and filtration stations, one warrant for each station, payable monthly.

The following employees in the Bureau of Water and Filtration to be paid semi-monthly: For the employees in the Purveyor's district, one warrant for each district; for the employees of the City construction and repair shop, one warrant; for the employees upon the improvement roll, one warrant; for the employees upon the building, grounds, and reservoir, one warrant; for laborers at filtration stations, one warrant for each station. Warrants for the Director's office shall be drawn by the Director, and all other warrants by the Chiefs of the respective Bureaus, and shall be approved by the Director.

Provided, That, before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that none but American citizens have been employed on the work, in accordance with the provisions of the ordinance of Councils, entitled "An Ordinance for the employment only of American citizens by contractors doing work for the City of Philadelphia," approved by the Mayor, December 16, 1896: *Provided further*, That in work in which the cost is paid whole or in part from assessments of benefits the affidavit shall not be required

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Supplies, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one million seven hundred and seventy-one thousand two hundred and twenty-three (1,771,223) dollars be, and the same is hereby appropriated to the Department of Supplies, for the year 1913.

EXECUTIVE.

Of the amount appropriated to this Department the sum of forty-eight thousand seven hundred and fifty-five (48,755) dollars is for the expenses of the Director's Office, as follows:

Item 1. *Personal services:*

ADMINISTRATION.

Salaries:

Director, ten thousand dollars	\$10,000
Assistant director, four thousand dollars	4,000
Chief clerk, two thousand five hundred dollars.	2,500
Auditor, one thousand eight hundred dollars...	1,800
Confidential clerk, one thousand two hundred dollars	1,200
Warrant clerk, one thousand two hundred dollars	1,200
Requisition clerk, one thousand five hundred dollars	1,500
Stenographer, one thousand two hundred dollars	1,200
File clerk, one thousand dollars	1,000
Assistant warrant clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Bookkeepers, 4 at \$1,000 each, four thousand dollars	4,000
Inspectors, 6 at \$1,200 each, seven thousand two hundred dollars	7,200
Bill clerk, nine hundred dollars	900
Miscellaneous clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Assistant stenographers, 2 at \$900 each, one thousand eight hundred dollars	1,800
Assistant requisition clerk, nine hundred dollars	900
Assistant file clerk, nine hundred dollars	900
Messenger, nine hundred dollars	900
Janitor, four hundred and eighty dollars	480
Weigher, eight hundred dollars	800

Total, forty-six thousand two hundred and eighty dollars \$46,280

Item 2. Wages for extra clerks, seven hundred and seventy-five dollars \$775

Services other than personal:

- Item 3. Stationery, printing, postage, transportation, meals, office supplies and incidentals, including cab and motor vehicle hire, one thousand seven hundred dollars \$1,700

SECT. 2. Of the amount appropriated to this Department the sum of thirty-four thousand two hundred and twenty-five (\$34,225) dollars is for the expenses of the Mayor, Department of Law, Receiver of Taxes, Civil Service Commission and Art Jury, as follows:

MAYOR.

- Item 1. Stationery, printing, office supplies and equipment, eight hundred and twenty-five dollars \$825
- Item 2. Printing and binding the Mayor's Annual Message and accompanying documents, five thousand dollars \$5,000
- Item 3. Automobile supplies and parts for repairs, one thousand one hundred and seventy-five dollars \$1,175
- Item 4. Stationery, printing, uniforms and office and miscellaneous supplies for Free Libraries, five thousand three hundred and twenty-five dollars \$5,325
- Item 5. Coal for Free Libraries, three thousand four hundred and fifty dollars \$3,450
- Item 6. Stationery, printing, office and miscellaneous supplies for Philadelphia Museums, three thousand four hundred and twenty-five dollars \$3,425
- Item 7. Coal for Philadelphia Museums, one thousand eight hundred dollars \$1,800
- Item 8. Coal for steam supplies on account of the Department of Health and Charities, three thousand dollars \$3,000

CIVIL SERVICE COMMISSION.

- Item 9. Stationery, printing, office supplies and equipment, two thousand dollars \$2,000

LAW.

- Item 10. Stationery, printing, binding, office supplies and equipment, two thousand five hundred dollars \$2,500

RECEIVER OF TAXES.

- Item 11. Stationery, printing, binding, office supplies and equipment, five thousand two hundred and twenty-five dollars \$5,225

ART JURY.

- Item 12. Stationery, printing and office supplies and equipment, five hundred dollars.... \$500

PUBLIC SAFETY.

SECT. 3. Of the amount appropriated to this Department the sum of four hundred and forty-four thousand eight hundred and thirty (444,830) dollars is for the expenses of the Department of Public Safety, as follows:

- Item 1. Stationery, printing, books, paper, transportation, office supplies and equipment, eight thousand one hundred and seventy-five dollars. \$8,175
- Item 2. Meats, vegetables, fish and other sea foods, twenty thousand dollars \$20,000
- Item 3. Tobacco, flour, groceries and other edibles, seventeen thousand seven hundred dollars \$17,700
- Item 4. Fuel, one hundred and forty-five thousand three hundred and seventy dollars....\$145,370
- Item 5. Horses, cattle and other live stock, thirty-five thousand one hundred and fifty dollars. \$35,150

Item 6. Feed and bedding for horses and other live stock, one hundred and twenty-two thousand eight hundred dollars	\$122,800
Item 7. Harness, stable and veterinary supplies, two thousand one hundred and fifty dollars ...	\$2,150
Item 8. Drugs, surgical instruments and supplies incident thereto, one thousand five hundred dollars	\$1,500
Item 9. Hose and couplings, fifteen thousand one hundred dollars	\$15,100
Item 10. Police patrols, police vans, police and fire boats, motor cycles, bicycles, fire apparatus, and parts for repairs and supplies incident thereto, thirteen thousand six hundred and ten dollars	\$13,610
Item 11. Dry goods, notions, clothing, head and foot wear, furniture, bedding and house furnishing goods, eleven thousand eight hundred dollars	\$11,800
Item 12. Electrical instruments, cable, materials and supplies for equipment, improvement, extension and repairs to fire alarm, police signal and telephone systems, underground and overhead construction, arc and incandescent lighting, poles, elevators and power plants, thirty-three thousand eight hundred and eighty-five dollars	\$33,885
Item 13. Supplies for Fire Marshal and assistants, three hundred and ten dollars	\$310
Item 14. Lumber, paints, hardware, tools, leather, ice, and miscellaneous supplies, seventeen thousand two hundred and eighty dollars	\$17,280

PUBLIC HEALTH AND CHARITIES.

SECT. 4. Of the amount appropriated to this Department the sum of six hundred and eighty-one thousand nine hundred (681,900) dollars is for the expenses of

the Department of Public Health and Charities, as follows:

Item 1. Stationery, printing, books, paper, printing materials, office supplies and equipment, six thousand one hundred dollars.....	\$6,100
Item 2. Milk and cream, eighty thousand dollars	\$80,000
Item 3. Meats, vegetables, fish and other sea foods, one hundred and twenty-five thousand dollars	\$125,000
Item 4. Flour, groceries and other edibles, one hundred and eighty thousand dollars	\$180,000
Item 5. Marketing, thirty thousand dollars....	\$30,000
<i>Provided, The City Controller shall countersign warrants for marketing upon the approval of the Superintendent's bills by the Directors of the Departments of Public Health and Charities and Supplies, without advertising.</i>	
Item 6. Fuel, sixty-five thousand dollars	\$65,000
Item 7. Dry goods, notions, clothing, uniforms, head and footwear, furniture, bedding, clothing and house furnishing goods, one hundred and twenty-four thousand four hundred dollars	\$124,400
Item 8. Drugs, liquors, surgical instruments and supplies incident thereto, twenty-two thousand dollars	\$22,000
Item 9. Hardware, tools and materials for repairs, farming implements and farm supplies, sixteen thousand dollars	\$16,000
Item 10. Laboratory supplies and equipment, three thousand five hundred dollars	\$3,500
Item 11. Eye and dental supplies, apparatus and equipment, four thousand dollars.....	\$4,000
Item 12. Horses, cattle and other live stock, one thousand dollars	\$1,000

Item 13. Vehicle and auto ambulance equipment and supplies incident thereto, harness, stable and veterinary supplies, two thousand dollars	\$2,000
Item 14. Feed and bedding for horses and other live stock, nine thousand dollars	\$9,000
Item 15. Disinfecting materials and miscellaneous supplies, eight thousand nine hundred dollars	\$8,900
Item 16. Vaccine virus, antitoxin and other biological products, five thousand dollars	\$5,000

PUBLIC WORKS.

SECT. 5. Of the amount appropriated to this Department the sum of five hundred and thirty-nine thousand nine hundred and thirteen (539,913) dollars is for the expenses of the Department of Public Works, as follows:

Item 1. Stationery, printing, photographic supplies, draughting materials, office supplies and equipment, twenty-one thousand four hundred and fifty dollars	\$21,450
Item 2. Fuel, three hundred and sixty thousand dollars	\$360,000
Item 3. Iron water pipe and pig lead, one thousand dollars	\$1,000
Item 4. Rubber goods and packings, twenty thousand dollars	\$20,000
Item 5. Lubricating oils and greases, seven thousand six hundred and fifty dollars	\$7,650
Item 6. Lumber, sand, cement, bricks, manhole frames and covers, grates and other materials for repairs, sixty thousand five hundred dollars	\$60,500
Item 7. Lumber and other materials for repairs to streets and roads occupied by tracks of the Philadelphia Rapid Transit Company, one thousand dollars	\$1,000

Item 8. Hardware, cocks, valves, castings, wrought iron pipe and fittings, brass fittings, iron and steel, block tin, lead pipe, twenty-six thousand three hundred dollars	\$26,300
Item 9. Motor cycles and parts, and accessories incident to maintenance of automobiles, two thousand six hundred and forty-eight dollars ..	\$2,648
Item 10. Feed and bedding for horses, five thousand dollars	\$5,000
Item 11. Horses, two hundred dollars	\$200
Item 12. Harness, stable and veterinary supplies, one thousand five hundred dollars.....	\$1,500
Item 13. Electrical supplies, five hundred dollars	\$500
Item 14. Uniforms, one thousand seven hundred and fifty-eight dollars.....	\$1,758
Item 15. Trees, flowers, manure, benches and materials for repairs, nine thousand eight hundred dollars	\$9,800
Item 16. Cleaning and toilet room supplies, two thousand one hundred and seventy-five dollars	\$2,175
Item 17. Hypochloride of lime, alum, special articles, laboratory and miscellaneous supplies, eighteen thousand four hundred and thirty-two dollars	\$18,432

WHARVES, DOCKS AND FERRIES.

SECT. 6. Of the amount appropriated to this Department the sum of twenty-one thousand six hundred (21,600) dollars is for the expenses of the Department of Wharves, Docks and Ferries, as follows:

Item 1. Stationery, printing, books, office supplies and equipment, six hundred dollars.....	\$600
Item 2. Dry stores and groceries, three thousand dollars	\$3,000
Item 3. Meats, vegetables, fish and other sea foods, three thousand dollars.....	\$3,000

Item 4.	Fuel, seven thousand dollars.....	\$7,000
Item 5.	Lumber, two thousand dollars.....	\$2,000
Item 6.	Chandlery, paints, oils and miscellaneous supplies, six thousand dollars.....	\$6,000

SECT. 7. That the Director of the Department of Supplies shall be allowed, when it is in his judgment for the best interests of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding five hundred (500) dollars each.

All bids shall be opened and contracts awarded in the presence of the Committee on Printing and Supplies of Councils.

Warrants shall be drawn by the Director of the Department of Supplies in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

OPINIONS
OF THE
CITY SOLICITOR
FROM
JANUARY TO DECEMBER, 1912

Opinions given by the City Solicitor, from January
to December, 1912, to the Select and Com-
mon Councils, Committees of Coun-
cils, Heads of Departments, etc.

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OPINIONS
OF THE
CITY SOLICITOR
DURING THE YEAR 1912

LAW DEPARTMENT.

Philadelphia, January 2, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,

DEAR SIR:—Replying to your request of even date for an opinion relative to the Bureau of City Property, I find that Article 3, Section 7, of the Act of June 1, 1885 (the Bullitt Bill), provides that the “care, management, administration and supervision of the police force, and of matters relating to public welfare, fire and police force, fire alarm, telegraph, erection of fire escapes and the inspection of buildings and boilers, markets and food sold therein shall be in charge of” the Department of Public Safety.

Section 1 of Article 4 of the same Act provides that the Department of Public Works shall have “the control and administration” of the “water works and gas works owned and controlled by the City, the supply and distribution of gas, grading, paving, repairing, cleaning and lighting of streets, alleys, highways, and the construction, protection and repair of public buildings, bridges and structures of every kind for public use, public squares, real estate (except such as now or hereafter may be used for

police purposes), surveys, engineering, sewage, drainage and dredging and all matters and things in any way relating to or affecting the highways, footways, wharves and docks of the City."

By ordinance of June 30, 1886, which was passed by Councils to carry into effect the Act of June 1, 1885, it was provided that the Department of Public Works should embrace the Department of Markets and City Property. The subsequent ordinance of March 22, 1888, Section 1, page 191, transferred this Department to the Department of Public Safety under the title of Bureau of City Property.

In view of the foregoing provisions of the Act of 1885, I am of the opinion that the proper Department to which the Bureau of City Property should be attached is the Department of Public Works. It would therefore be wise to suggest to Councils the advisability of transferring to the Department of Public Works the item of appropriations already made by them to the Department of Public Safety for the Bureau of City Property.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 3, 1912.

HERMAN LOEB, ESQ.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter enclosing a communication to yourself from Armour & Company, calling attention to the specifications inviting bids upon beef and mutton, which are required to be Philadelphia City dressed, and asking whether this stipulation, which bars Western houses from bidding, may not be waived.

If the inquiry is directed to future lettings, or even a second advertisement of the present invitation for bids,

this provision might be omitted if such a course were deemed proper; but, if the inquiry is intended to suggest that with respect to a bid already received in competition with others, an arrangement might be made to waive the stipulation, this cannot be done.

In the case of *Louchheim vs. City of Philadelphia*, 218 Pa. 100, it was decided that any private arrangement between the City and a bidder is forbidden, and would be a cause to set aside a contract resulting therefrom.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 3, 1912.

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of a number of copies of awards of contracts made by your predecessor for the year 1912 and dated on various days in November, 1911, before appropriations to cover such contracts were made. I understand that nothing has been done toward the execution of the contracts in pursuance of such awards, and I beg to inform you, in answer to your inquiry whether the City is bound thereby, that in the recent matter of the award of a contract for the collection of garbage, the Department of Public Works was advised by this Department that until such contracts are executed with the formalities prescribed by law the City is not legally bound by the award. The same reply is made to you—the moral obligation, in view of your predecessor's awards, is a matter for your determination.

The awards and schedules sent me are herewith returned.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 4, 1912.

JOHN M. WALTON, Esq.,
 City Controller,
 City Hall, Philadelphia.

DEAR SIR:—In reply to your letter of the 4th inst., stating that you are “in receipt of communications from the Directors of the Departments of Public Works and Safety” in relation to the contracts and supplemental contracts of the McNichol Paving and Construction Company, the Keystone State Construction Company, and for League Island Park, permit me to say that, in my opinion, there is no prohibition in law against your return of the warrants mentioned, but that, out of respect to the Court of Common Pleas No. 1, you should not return them during the pendency of the mandamus proceedings.

I would suggest that you inform the Directors that upon the advice of the City Solicitor, out of respect to the Court, you so act, but that you will inform the Court of Common Pleas No. 1, at the proper time, of the request of the Directors, together with the reasons they assign for their request, and that you will communicate with them upon the conclusion of the present proceedings.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 5, 1912.

GEORGE D. PORTER, Esq.,
 Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your request of January 4, 1912, for an opinion whether the Act of Assembly of

May 31, 1907 (P. L. 349), authorizes the Fairmount Park Commissioners to care for shrubbery as well as shade trees on the Northeast Boulevard, and whether or not your Department should surrender the care of such shrubbery to the said Commissioners.

You enclose copy of a resolution of the Fairmount Park Commissioners which sets out said Act of Assembly, and the resolution of Councils of July 13, 1911, accepting the Act, and which directs the secretary of the Commission to notify the Department of the City heretofore in charge of the shade trees and shrubs in question, that the Chief Engineer of the Commission will take charge thereof on and after January 1, 1912.

The Act of Assembly referred to relates to shade trees, and provides that in cities in which a Commission for the care of public parks shall have been created, said Commission shall, upon the acceptance of the Act by the Councils of said cities, be charged with the duty of taking exclusive and absolute custody and control of, and shall have power to plant, set out, remove, maintain, protect and care for shade trees on any of the public highways of such cities, etc. By resolution of July 13, 1911, the Councils of this City have accepted the Act. This gives to the Fairmount Park Commissioners the right to care for the shade trees along the Northeast Boulevard and other highways, but I find nothing, either in the Act of Assembly or in the resolution of Councils, which relates to the shrubs or shrubbery, and therefore the Bureau of City Property, which has heretofore had charge of the shrubbery, is not required by that Act to relinquish the same if your Department desires that it shall not do so.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 7, 1912.**In re Gloucester Ferry Company.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—In reply to your letter of the 6th inst., permit me to say that, on December 31, 1908, there was approved by the then Mayor of Philadelphia, an ordinance "to authorize the Department of Wharves, Docks and Ferries to enter into a new lease with the Gloucester Ferry Company, present lessee, on South street landing, Delaware river, at an annual rental of eight hundred dollars: *Provided*, The said Gloucester Ferry Company shall enter into an agreement to expend, within the next eighteen months, at least \$40,000 in rebuilding its ferry houses, slips, etc., the said work to be done under the supervision and to the satisfaction of the Department of Wharves, Docks and Ferries, and a portion of said improvements within the lines of South street shall become the property of the City of Philadelphia at the expiration of the lease herein authorized;" the lease authorized by the ordinance was for a "term of 20 years from the expiration of the present lease, January 1, 1909."

On March 20, 1909, there was approved by the then Mayor of Philadelphia, an ordinance "to appropriate the lot of ground on the south side of South street and east side of Delaware avenue for the widening of Delaware avenue; to make an appropriation for the payment of damages therefor, and to repeal the ordinance approved December 31, 1908." By Section 2 of said ordinance, the City Solicitor was authorized to pay to the owner thereof thirty-eight thousand seven hundred and twenty-five (38,725) dollars as and for said damages—the widening of Delaware avenue as set forth in the first section of this ordinance.

The sum of money designated was paid on March 30, 1909, to Gustavus A. Miller, settlement being made at the Land Title and Trust Company.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 8, 1912.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of this date, stating that the high pressure fire system at Water and Race streets blew up last evening, necessitating immediate work in order to maintain the system and connect it with the new system across Race street, and that the employment of the former emergency gang and the use of fire materials will be required to repair the break.

You ask for an opinion as to your right to do this work "as great damage will result."

In an emergency of this character I would advise you to make use of the facilities of which you speak in order to maintain the system and avoid the great damage which you say will result from inaction.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 8, 1912.

Cancellation of Lease Fire House, Second street and Lehigh avenue.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I have received your letter of the 30th ult., concerning the premises on Second street, north of Lehigh avenue, heretofore rented by the City from the Estate of Samuel Josephs and used as a fire house and garage. I note that your Department has no further use for these premises and that you desire to annual the lease at the earliest possible moment.

Under the monthly lease executed October 8, 1909, you are entitled to surrender the premises at the end of the calendar month, provided you give ten days' notice to the lessor of such intention.

I should therefore advise you to give such notice immediately and vacate the premises at the end of the current month, arranging promptly for the introduction of an ordinance to pay the lessor the rental owed, which, as I understand it, will be for the entire year of 1911 and the present month of 1912, a total of 13 months. By this arrangement you will be enabled to vacate the premises, the owner will have full opportunity to secure a new tenant and the owner will have to assume the burden of attacking the second lease.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 8, 1912.**In re Gilding Tower City Hall.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 2nd inst., relative to contract of October 28, 1908, between the City and John R. Wiggins & Co. for the painting and gilding of metal work on the tower of City Hall, for the sum of \$22,000.

The contract provided that the work was to be done before the expiration of one hundred and twenty (120) working days from the date of notice to commence said work. You state that the specifications provided that the City would furnish and erect the necessary scaffolding preliminary to the work of gilding; that you are informed that the proposed erection of the scaffolding was a more difficult undertaking than was anticipated, and that hence to the present time no work has been done under the contract in question. For the purpose of utilizing the money otherwise in the completion of the City Hall, you desire that this contract should be annulled, asking if this can legally be done and stating that you see no possibility of the work being proceeded with. A copy of the contract is enclosed in your letter, but no copy of the specifications, as stated by you.

A contract entered into by the City, like the contract of any other party, cannot, without some proper reason, be annulled at the desire of one party to it without the consent of the other. Such one party may, of course, refuse to proceed in the matter which is the subject of the contract, taking the risk of being held liable in damages for his or its breach of contract. In the present case, the contract is now more than three years old, and a possible inference of the mutual abandonment of the

contract might arise. However, the delay in preparing the scaffolding and in giving orders to proceed with the work has been upon the part of the City alone, and in view of the circumstances I do not think it would be advisable to break the contract summarily and without first reaching or endeavoring to reach an understanding with the contracting firm with respect to the matter. The danger of now consulting them is, however, that the Wiggins Company may insist upon proceeding, and perhaps it would be well, if this money is not urgently needed, to let the subject rest as now.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 8, 1912.

In re medicines for poor—Department of Public Health and Charities.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your two letters of the 6th inst. In the first you state in substance that having advertised for bids for the purpose of obtaining medicine for the sick in twenty-five (25) districts, no bids have been received from a number of such districts, that it is impracticable and often impossible to have individuals travel a number of miles to secure drugs from a druggist with whom a contract has been entered into; that heretofore influence has been used in securing druggists to dispense these medicines in districts where no bids had been made; that but few of these men will enter into contracts or take any trouble in the matter, as they do not care for this trade; that only eight of the bidders in those districts where bids

have been received have given proposal bonds—these being the districts where the greatest amount of work is done—and that in the other districts the total amounts of bills during the year range from \$60 up.

You ask to be advised whether in these circumstances you can make arrangements with druggists, without a contract, to compound prescriptions for the poor at as low a price as possible, adding that should you be unable to do so you must discontinue properly caring for the indigent sick in the majority of the wards of the City.

The necessity of giving proper care to the poor and unfortunate sick who come within the notice of your Department is so imperative, the circumstances stated by you are so unusual, and the amounts involved so small, that I think you would be justified in departing from the usual legal requirements in order to prevent consequences so much to be regretted as those which would follow from the cessation by your Department of its course in prescribing for and furnishing medicines to the poor of the City, and I think you would therefore be excused in making such arrangements as you suggest, or any similar ones to avert the results which you fear.

In your second letter you state that no bids were received in answer to your advertisement for proposals to furnish milk and ice to the sick; that the amount required and the location to which delivery is to be made cannot be determined in advance; that the custom has been heretofore, under a similar experience, to supply your nurses and doctors with books of coupons, which coupons call for a specific amount of milk or ice, and which are left in the homes of those needing the supplies, and handed to the milkman or iceman who delivers the quantity called for, turns the coupons into his office, and, at the end of each month the dealer sends his bill with coupons to certify as to the amounts delivered; that the delivery of these supplies is a necessity and nearly always an emergency.

The same considerations as those mentioned with respect to the supply of drugs are also applicable under the above conditions. The necessity and emergency are such,

in my opinion, as to justify the course which you suggest, and have heretofore pursued, and, in view of the facts stated by you, I am of opinion that contracts for ice and milk may be dispensed with.

I would suggest that you advise the City Controller of the circumstances prompting you to adopt these methods, both with respect to the drugs and milk and ice, if you have not already done so.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 8, 1912.

In re P., G. & N. Elevated. Disposition of Property.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,
Philadelphia, Pa.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by you, in connection with the work of abolishing grade crossings along the P., G. & N. Railroad, stating that under authority of Section 10 of the ordinance of October 13, 1906, providing for the work, the railway company, with the approval of the Mayor, appropriated property (real estate) at the northwest corner of Nineteenth and Westmoreland streets, and upon the completion of the work it is found that only a portion thereof is required, and that the railway company has no use for the balance of the property. It therefore asks leave to dispose of it to the best advantage for the joint interest, and an opinion is requested as to whether it would be in accordance with Section 17 of said ordinance for the railway company to offer the unused property at public sale and credit the proceeds to the joint appropriation.

Section 17 of said ordinance provides, that, upon the completion of the work, all material and property or portions of property purchased by the Philadelphia and Reading Railway Company, for the use and benefit of the work, but not actually used for the joint interest, shall be disposed of at public sale, and the proceeds credited to the joint appropriation, the railway company being given the privilege of retaining any such property at an appraisement of its value.

I see no reason why this section is not sufficient for the purpose in view. The expression "old material and property or portions of property purchased by the Philadelphia and Reading Railway Company" includes unused real estate, and, in my opinion, the word "purchased," as here employed, is sufficiently broad to apply to property acquired by condemnation, as was done here.

I therefore think it would be proper for the railway company to offer the property at public sale, and credit the proceeds to the joint appropriation.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 9, 1912.

In re taxes Dropsie College.

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council,
City Hall, Philadelphia.

DEAR SIR:—I return to you herewith the letter of Oscar B. Teller to Louis Hutt, Esq., and the draft of a proposed ordinance to relieve the Dropsie College of the payment of taxes for the years 1910 and 1911; and in answer to your question, I am of opinion that Councils have not the power to enact the ordinance proposed. The

Constitution of Pennsylvania provides that exemption from taxation may be made only by general laws, and the Legislature, on May 29, 1901, enacted such a law. If the real estate mentioned is in actual use and occupation for purely public purposes, it is exempt from taxation by force of the statute, and if not so used and occupied, Councils could not relieve it of its share of contribution to the common fund.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 11, 1912.

Placing of Mentor street, Front to A, on City plan.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter of the Chief of the Bureau of Highways of the 27th ult., approved by you, asking whether Mentor street, between Front and A streets, is to be entered of record as a legally opened highway.

It appears that said street was placed upon the City plan under ordinances of June 23, 1884, and March 15, 1892, but was not confirmed as a plotted street until March 3, 1902. Meanwhile the street in question was laid out on a plan of lots of the Wyoming Villa Land Company, and deeds made by the company of various dates between February 4, 1886, and December 10, 1900, calling for that street as a boundary, and the inquiry is whether such actions in making said plan and executing the above mentioned deeds amounted to a dedication of the street so as to make it an open public highway.

The mere reference to a plotted street by way of description in a deed of property abutting thereon will not

amount to a dedication of such street: In re Brooklyn street, 118 Pa. 640.

In the present case, however, the facts are that the plotting of the street was not completed until the confirmation of the plan on March 3, 1902, after the execution of the said deeds, which make no mention of Mentor street as a plotted street, but call for it as a boundary in the terms following: "All that certain lot or piece of ground numbered * * * on a plan of lots of the Wyoming Villa Land Company intended to be forthwith recorded, situate on the * * * side of Mentor street, laid out and intended to be opened of the width of 50 feet * * * feet east of Front street, as laid out and intended to be opened of the width of 60 feet." (See deed recorded in Deed Book G. G. P., No. 454, page 363.)

The plan of the Wyoming Villa Land Company thus referred to was duly recorded in Deed Book G. G. P., No. 494, page 1.

It is seen from the foregoing facts that the deeds of the land company were based upon the plan of lots on which Mentor street was laid out by it, said plan being duly recorded, and the deeds calling for Mentor street, as thus indicated in such plan, for a boundary line.

It is clear under the authorities that a dedication of the highway was thus effected, and that therefore your Department would be justified in entering it of record as a legally opened public street.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 11, 1912.**In re powers and duties of Board of Highway Supervisors.*

JAMES F. McLAUGHLIN, ESQ.,
Chief of Electrical Bureau,
Philadelphia.

DEAR SIR:—I have received your letter of January 4th, inquiring as to the extent of the powers and duties of the Board of Highway Supervisors, and in answer thereto say:

Your Board is required to meet at least one in two weeks, and is authorized to adopt and enforce such reasonable regulations as in its judgment may be necessary governing the time and manner in which excavations in streets shall be made, and the time and method of repairing over the same.

If any Committee of Councils requests your opinion concerning the propriety of a proposed opening of any street pavement, it is the duty of your Board to pass upon the question and furnish your opinion to the Committee without delay.

If any of the Bureaus of the City receives an application which involves the breaking of a street pavement, it is the duty of that Bureau (as was pointed out in *Philadelphia Steam Supply Company vs. City*, 17 Philadelphia 110, where the Court explained the obscurity in the ordinance of 1884) to send the application to your Board, which must decide upon the exact location, the manner and the time of making such openings. And your Board is also authorized to regulate the time and method of repairing such openings, and to pass rules and regulations for the purpose. In cases of emergency the requirement to bring the subject before the Board may be dispensed with; thus, if prompt action is required in order to avert the danger resulting from a sudden break or leak in a water pipe or a gas pipe, it is not necessary to obtain a permit from the Highway Supervisors; but before a

street may be opened for the purpose of laying a new pipe or prosecuting some new work, an application must first be made to your Board.

The laying and construction of underground wires, electrical conductors, conduits, cables and tubes is to be regulated by the Board of Highway Supervisors, in accordance with the ordinance of August 5, 1886, Brown's Digest, cols. 235, 236.

Your Board has no power to deal with the erection of overhead structures or others not concerned with the opening of the ground under any general ordinance, although by special ordinances in particular cases it is often made the duty of the Board to regulate and approve such structures.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 11, 1912.

Water supply House of Correction Wharf.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—I have received your letter of January 10th stating that it is the intention of your Department to lay in the bed of the main drive and on the House of Correction wharf a six-inch fire supply with two fire hydrants, and inquiring whether the City should pay the Holmesburg and Disston Water Company for water thus used for fire protection for the City ice boats and other floating plants belonging to the City or tied up at or near the House of Correction wharf.

Section 2 of the ordinance of July 2, 1888, expressly provides that the Holmesburg Water Company shall, with-

out charge to the City, supply with water all fire hydrants that may be required by the Department of Public Works, and this provision is not weakened by the stipulation in Section 3 of that ordinance, excepting certain institutions from the requirement to furnish gratuitously all water required, for the latter provision certainly does not show any intention on the part of Councils that the City should be in a worse position when protecting its own property from fire than it would be when protecting property owned by private individuals.

You will observe that the ordinance requires the making of a request to the Holmesburg Water Company by the Director of Public Works. Upon the making of that request by him, it is the clear duty of the Holmesburg Water Company to supply water for fire purposes without any charge to the City for that water.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 12, 1912.

In re governors on elevators.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,
City Hall, Philadelphia, Pa.

DEAR SIR:—I beg to acknowledge receipt of your letter of to-day, inquiring whether the ordinance relating to the use of governors on elevators is applicable to those in use prior to the date of the passage of the ordinance.

The ordinance in question is the ordinance of April 15, 1908, Section 13 (page 10); it provides as follows:

"18. Every guide-post elevator car must be provided with safety clutches that will prevent the car from falling in case of broken cables, or broken or deranged machinery.

"Every passenger elevator now in operation, or that shall be hereafter installed, shall be provided with a speed governor in connection with a gradually applied safety.

"Every freight elevator having a car speed of less than fifty (50) feet per minute must be provided with speed governors which may work in connection with an instantaneous safety.

"All elevators must be tested with a maximum load.

"All wooden guide posts must be provided with independent guide strips."

This section requires the installation of such devices on all passenger elevators, irrespective of the question whether they were in existence at the time of the passage of the ordinance or not.

A similar provision is made in the same section in the case of freight elevators, distinguishing between those having a car speed of more and those having a car speed of less than fifty (50) feet per minute. The words "now in operation or that shall hereafter be installed," are entirely omitted in the provisions for freight elevators.

Ordinances of this character, whose object is the protection of life and property, are legal and within the power of Councils to pass, if reasonable in their provisions and universal in their application. It is no objection to such an ordinance, moreover, that it is made applicable to old elevators, as well as those installed after its passage. The only question is whether, in the case of freight elevators, this ordinance is intended to be applicable to those in use at the time of its passage.

I am of the opinion that a reasonable construction of the three paragraphs of this section would lead to the conclusion that the provisions with respect to freight ele-

vators are intended to be applied to those existing and in use at the time of the passage of the ordinance as well as to new elevators.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 12, 1912.

In re terms of Councils.

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk Select Council,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of January 11th last, inquiring when the terms of members of Councils will begin after the present organization, which took place on the first Monday of December, 1911.

You state that you have been informed that Select Council will organize on the first Monday of December, 1913, and Common Council on the first Monday of January, 1914, and thereafter both branches will organize on the first Monday of January after their election. You are right as to the latter proposition, that the organization of Councils under the law as it now exists will be on the first Monday of January after the election of the members; but this will apply to the next organization of Councils as well as to those following. That is to say, both branches of Councils will organize on the first Monday of January, 1914—the terms of all the members elected in November, 1913, beginning on the first Monday of January following the election. The Act of June 9, 1911, P. L. 857, in part provides that:

“The members of the legislative departments of the municipal governments of this Commonwealth

hereafter elected shall assemble in their respective places of meeting for the purpose of organization, at ten o'clock in the forenoon of the first day of the term following the municipal election on which the terms of any members of such legislative departments shall begin."

The schedule to the Amendments to the Constitution approved November 2, 1909, provided that:

"After the year 1910 and *until the Legislature shall otherwise provide*, all terms of city, ward, borough, township and election division officers shall begin on the first Monday of December in an odd-numbered year."

The Legislature did otherwise provide by Act of March 2, 1911, P. L. 8, which, in Section 5, prescribes that:

"The terms of all public officers elected in odd-numbered years shall hereafter begin on the first Monday of January succeeding their election, instead of the first Monday of December, as prescribed in the schedule to the amendments to the Constitution adopted November second, one thousand nine hundred and nine."

The joint effect of this Act and the Act of June 9, 1911, already referred to, is clearly such that the organization of both branches of Councils will take place on the first Monday of January, 1914.

To your inquiry whether a vacancy in either branch of Councils can be filled under the present law at the election occurring prior to the election in even-numbered years, I reply that the Constitutional Amendments and recent legislation concerned therewith have made no change with respect to filling vacancies in Councils, the subject with which they deal being elections for the regular term. The matter of filling vacancies is still governed by the Acts of April 27 and May 20, 1864, P. L. 638 and 912, as stated to you in my letter of December 5th last. Under

these Acts, vacancies in Councils have been filled at the next election, whether municipal or general, and this long-continued custom has seemingly received the sanction of the Courts. See *Brooks vs. Commonwealth*, 86 Pa. 163.

I think that a vacancy can be filled for the unexpired term at the next election occurring either in the even-numbered or odd-numbered years.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 13, 1912.

Construction of siding—Clarissa street and Wayne avenue.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of 3d inst., from the Chief Engineer, Bureau of Surveys, approved by you, with reference to the application of the Twenty-second Street and Allegheny Avenue Passenger Railway Company to construct a siding at Clarissa street and Wayne avenue. The Committee of the Board of Surveyors to whom the matter was referred report that they do not approve of such location, either on the present cartway or on a revised cartway, or on the present footway; that such a siding would have to be three hundred and fifty (350) feet in length, with turnouts at each end, and that they do not consider that the Board has authority to approve such a location. The opinion of this Department is requested as to the right of the Railway Company and its lessee, the Philadelphia Rapid Transit Company, to construct such a siding under the authority claimed by it,

and also whether such authority is affected by more recent legislation.

The authority for constructing the siding which the Passenger Railway Company claims is the ordinance of December 14, 1901, which gives authority to that company to relocate its tracks and trolley system so that the same shall be as follows: Connecting with the tracks on Pulaski avenue, at Eighteenth street; thence with double track along Eighteenth and Clarissa streets to and connecting with the present tracks on Wayne avenue at or about Roberts avenue. The second section of the ordinance, after prescribing the route for an extension of the trolley system of the Railway Company, provides that the said Company is to have the right to connect by means of curves, switches and sidings the tracks therein authorized at points of crossing with the tracks of any other company or with its own tracks. But the blue print sent me does not show a crossing at this point.

I do not find that the powers thus conferred by the ordinance of 1901 are modified or affected by later legislation. The general ordinance revoking the rights of street railway companies theretofore granted by Councils and which have not been taken advantage of, dated June 13, 1901, and being earlier than the above-mentioned ordinance with respect to the Twenty-second Street and Allegheny Avenue Passenger Railway Company, of course, cannot offset any privileges granted by the latter.

In so far as the objection of the Committee of the Board of Surveyors relates to the length of the siding or the manner of its construction, or as to its location as between the footway and the cartway, these are questions with respect to which the Bureau of Surveys has a right to insist that the plan of any proposed siding shall conform to its views. The right to construct *a siding*, or some form of connection, however, at Wayne avenue and Clarissa street, between the Clarissa street tracks and those on Wayne avenue seems to be clearly conferred by the ordinance of 1901.

With regard to the presumed abandonment of such a

privilege by mere lapse of time, I would refer you to an opinion of my predecessor, Hon. John L. Kinsey, dated July 12, 1906 (Opinions of City Solicitor, 1906, page 109), in which it is shown that where no time limit is reserved by Councils the rights granted do not lapse, at least until Councils themselves may resume them. I concur in thinking that this result follows from the pertinent statutes cited by Judge Kinsey, and accordingly I am of opinion that the Twenty-second street and Allegheny Avenue Passenger Railway Company has the right to connect its tracks on Clarissa street by a siding or otherwise, at or about Roberts avenue, with the tracks on Wayne avenue existing at the date of the ordinance of December 14, 1901.

The blue print kindly furnished me in connection with your inquiry is herewith returned.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 15, 1912.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your favor of the 12th inst., in which you quote the last paragraph of the sixteenth section of the Act of the eighth of June, A. D. 1907, and ask if your Department is authorized by the said Act to proceed with work in a case of emergency to the amount of one thousand (1,000) dollars, without advertising or without a contract, and what, in my opinion, constitutes an emergency under the section of the Act quoted.

In reply I desire to say that the same question was presented to one of my predecessors. His opinion, given to

the then Director of the Department of Wharves, Docks and Ferries (City Solicitor's Opinions, Ordinances of 1910, page 125), is as follows:

"LAW DEPARTMENT.

Philadelphia, August 5, 1910.

"JOSEPH F. HASSKARL, ESQ.,

Acting Director, Department of Wharves,
Docks and Ferries.

"DEAR SIR:—Your favor of the 4th inst., in reference to a cave-in in the driveway of Arch street wharf, received.

"You state that it is an emergency and that the necessary repairs must be made at once, and refer to Section 16 of the Act of June 8, 1907, which authorizes you in such a case, without advertising for bids to make the necessary repairs where the amount would not exceed \$1,000. You also call our attention to the proviso in the ordinance of December 31, 1909, making an appropriation to your Department, for the year 1910, which limits your expenditures, without advertising, to \$100.

"The provisions of the Act of Assembly and that in the ordinance do not refer to the same thing. The Act relates to an emergency, while the ordinance provides that you may expend the sum of \$100 without advertising, in any case when, in your judgment, it is to the best interest of the City. Even if they were in conflict, the Act of Assembly would prevail.

"I advise you that if the defect in the driveway at Arch street wharf is, as you state, an emergency as mentioned in the Act of Assembly, you can proceed at once, under authority of the proviso to Section 16 of the Act, to make the necessary repairs, provided the cost thereof does not exceed \$1,000.

"Very truly yours,

"J. HOWARD GENDELL,

"City Solicitor."

This opinion would seem to be a complete answer to your inquiry.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 15, 1912.

In re salaries of employees and expenses of Art Jury.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am in receipt of a letter from Cyrus D. Foss, Jr., Esq., your Secretary, stating that “an ordinance is now before Councils providing for an annual appropriation for the expenses of the Art Jury created by Act of May 25, 1907, P. L. 249,” and that “it has been suggested that the Art Jury would probably have authority to mandamus for the salaries of its necessary employees and for other expenses, if Councils did not make an appropriation or should make an insufficient one.” I am requested to advise you whether there is “any possibility of this kind.”

Section 3 of the statute referred to provides, in part, that:

“The Jury shall have power to adopt its own rules of procedure, and to prescribe regulations for the submission to it of all matters within its jurisdiction. Five members shall constitute a quorum. The Councils of said City shall, by ordinance, provide for the necessary expenses of the Jury, including the salaries of such clerk or clerks as may be required and appointed by the Mayor of said cities.”

It will be noted that the foregoing language as to appropriation is imperative and it is quite possible that a

resort might be made to procedure by mandamus to set in motion the discretion of Councils in determining what sum is necessary for the expenses of the Jury and what amounts shall be paid the clerk or clerks who are to be appointed by the Mayor, and thereupon to make an appropriation in the amount so determined upon.

As to what is a sufficient appropriation for these purposes, however, I am of opinion that the discretion of Councils, when once so exercised, would not be controlled by the Court under mandamus proceedings. There is nothing in the Act taking from Councils the right to prescribe the amounts which they may deem reasonable and fit to be appropriated for the purposes of the Art Jury. With especial reference to the salaries of clerks, etc., the Act of May 22, 1879, Section 2 P. L. 72, specifically provides that:

“It shall be the duty of the Councils of the cities of the first class to fix the salaries and number of clerks and employees of all persons who are paid their salaries by warrant or otherwise out of the City Treasury excepting only those officials who are elected by the people or whose salaries are fixed and established as to amount by Act of Assembly of this Commonwealth or fixed by the Courts by existing laws.”

Unless this Act is repealed *pro tanto* by the provisions of the Act of 1907 creating an Art Jury, the right to fix the salaries of such clerk or clerks as may be required and appointed by the Mayor remains in Councils, and I find nothing in the provisions of the last-mentioned Act which in any manner detracts from the right of Councils to fix such salaries in accordance with the Act of 1879.

I therefore do not think that any other body than Councils will be permitted to decide what is or what is not a sufficient appropriation for that purpose.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 15, 1912.**In re payment for repairs Happy Hollow Playground.*

W. D. CHAMPLIN, Esq.,

Executive Secretary,

Board of Recreation.

DEAR SIR:—I am in receipt of your inquiry whether the Board of Recreation would be justified in making repairs to the footway at the Happy Hollow Playground, Wayne avenue, opposite West Logan Square, from any item of its appropriation for the current year. Copy of the ordinance by which such appropriation is made, together with a copy of a letter from the Highway Commissioner of the Eighth District, calling attention to the dangerous and unsightly condition of the footway in front of said playground are enclosed.

I find no item in the appropriation out of which such repairs could properly be paid for, unless it be Item 5: "For the maintenance of grounds, including walks and incidental repairs to appurtenances, appliances and apparatus, one thousand five hundred dollars." Even as to this item there may be some question, but I think that if the necessary amount can be spared from the fifteen hundred (1,500) dollars thus appropriated, the Board would not be committing any impropriety in using it for the repair of the footway.

As to your inquiry—"What Department of the City government would be charged with the duty of making these repairs?"—I would say that the Highway Bureau (Department of Public Works) is the proper Bureau, and I would suggest that the matter be taken up with the officials of that Bureau and Department, or, if necessary, that it be brought to the attention of Councils, in order that a sufficient appropriation should be made or that the Department of Public Works (Bureau of Highways) be specifically directed to make the necessary repairs.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 16, 1912.

CYRUS D. FOSS, JR., ESQ.,

Secretary to the Mayor,
City Hall, Philadelphia.

DEAR SIR:—I have received your letter of the 13th inst., in which you state that “the Mayor is making a study in municipal advertising” and that “he is therefore asking each of the municipal Departments to furnish him with information.”

To your first inquiry I answer : Notices of meetings of Board of Surveys.

To your second inquiry I reply: Act of Assembly of June 6, 1871, Section 2, as follows:

“No plan for survey or regulation for a revision, or either or both, shall be finally acted upon by the said Board of Surveyors until public advertisement shall have been made in three of the public newspapers in the City of Philadelphia, six times in each, during the thirty (30) days immediately preceding the proposed action, and that handbills be posted upon and throughout the area covered by the plan to be considered, giving notice of a hearing thereof for at least thirty (30) days prior to said hearing * * *

The third inquiry is answered as above, excepting that by ordinance of May 9, 1878, page 106, it is provided that:

“The heads of the various Departments of the City be and they are hereby authorized and directed to advertise all ordinances, proposals and notices in at least one German daily newspaper.”

and by Act of Assembly of April 30, 1901, Section 1, P. L. 109, it is provided that:

“Hereafter every advertisement and notice required by authority of law to be published in any

county of the Commonwealth shall, where said county shall contain, according to the census last taken by the United States Government, a population of over forty thousand (40,000) persons who emigrated from Germany, in addition to the publication thereof in a newspaper printed in the English language, it be also published in one German daily newspaper of general circulation printed in such county in the German language, at a price not to exceed the rates charged by English papers for like service."

To the fourth inquiry I reply that the rates paid during 1911 were 20 cents and 25 cents per line, the former being paid to the German newspapers.

To the fifth inquiry I answer that there was spent for newspaper advertising, during 1911, by this Department, two thousand eight hundred and sixty-one (2,861) dollars. I enclose herewith five copies of the latest advertisement. This appeared in the Ledger, Record and North American, as well as in the Tageblatt. The rate agreed to be paid to the German newspaper was twenty (20) cents a line, and to the others, twenty-five (25) cents per line.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 22, 1912.

HON RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—In reply to your oral request as to the right of the City to regulate by ordinance the speed of automobiles, I fear such right, except within very narrow limits, is precluded by the provisions of the Act of April 27, 1909 (P. L. 265). Before that Act was passed the

Supreme Court, in the case of *Brazier vs. Philadelphia*, 215 Pa. 297, held that the passage of an Act of Assembly upon a subject which was not declared to be intended to supersede an ordinance of Councils would not have that effect, and that an ordinance passed before or after the date of such a statute and prescribing additional restrictions as to speed limits would be valid and effective, and hence that the Act of April 19, 1905, and the ordinance of December 26, 1902, might both stand, the latter not being abrogated by the Act of Assembly.

With this decision in view and to take away the power of cities, apparently, the Automobile Act of 1909 was passed. Section 14 thereof provides that no person shall operate a motor vehicle on the public highways of the State recklessly or at a speed greater than is reasonable and proper with regard to the width, traffic and use of the highway, so as to endanger property or the life and limb of any person; but no person shall drive a motor vehicle at a "rate of speed exceeding one mile in two and one-half minutes," provided that the local authorities having charge of any of the highways may in dangerous, congested or built-up portions, place signs marked "Danger, run slow," and at these places the speed limit shall not "exceed the rate of a mile in five minutes," said signs to be plainly legible and the letters to be not less than five inches in height.

Section 15 of the Act provides that no city, county, borough or township shall have power to enforce or maintain any ordinance, rule or regulation inconsistent with, or fixing a rate of speed lower than that permitted by this Act. * * * And all such ordinances, rules or regulations now in force shall expire and be null and void and of no effect, excepting that in parks the proper authorities may restrict the speed of motor vehicles.

It is thus seen that the right which under the decision in the *Brazier* case remained in cities, to prescribe additional limitations lowering the permissible rate of speed of automobiles beyond that prescribed by statute, was taken away by the 15th section, and the only power left to the local authorities is to designate, in the manner pre-

scribed by the 14th section, those dangerous, congested and built-up portions of the highways in which the speed limit shall be restricted to a mile in five minutes.

The specific speed limit fixed by the Act would, in cities, probably be held to be so modified by Section 14, that no person shall operate a motor vehicle on the public highway recklessly or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, so as to endanger property or the life or limb of any person, but in view of the definite prohibitions upon cities, etc., contained in Section 15, this would not suffice to authorize Councils to prescribe a limit of speed lower than that which the Act designates, to wit: a mile in two and one-half minutes, except in those places marked "Danger, run slow," in which, by the terms of Section 14, the speed allowed would be limited to a mile in five minutes.

The practical method is to cause the "danger signs" to be erected at all Broad, Market, Chestnut and Walnut street crossings, and at all other places where travel is congested, and at the next Legislature endeavor to secure the passage of another and different Act of Assembly.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 22, 1912.

In re sale, barter and exchange of tickets to theatres.

GEORGE D. PORTER, Esq..

Director, Department of Public Safety.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 22d inst., transmitting copy of a resolution of Select and Com-

mon Councils of January 18th, requesting you to investigate and report to those bodies "the present method of sale, barter and exchange of tickets to theatres and other public places of amusement by ticket agencies, and of the alleged collusion existing between the management of such theatres and public places of amusement and ticket agents, whereby the citizens are compelled to pay excess or exorbitant rates for such tickets."

You inquire what, if any, authority you have to make such investigations and what power to require the managers and agents referred to to give said information.

In reply, I would say that if Councils desire such an investigation as can be made by the head of an executive Department, yours is the proper Department to which they should turn for that purpose. Article III of the Bullitt Bill confides to the Department of Public Safety, among other things, the care, management, administration and supervision of the police affairs of the City; and, in my judgment, the expression "police affairs," as here used, is employed synonymously to the phrase "police power," which, in its broad and now well-known sense, includes regulation with respect to all matters connected with the health, order, convenience and comfort of the people of any State or municipal sub-division thereof. Under the direction and at the request of Councils, therefore, I am of opinion that you would have due authority to make such investigation of the subject in question as is within the power of your own or any other executive Department of the City. That is to say, to institute inquiries and obtain whatever information you can with respect to the matter to which the resolution relates, and report the result thereof to Councils in accordance with their request.

I do not find, however, that any power is given to the heads of the Departments to compel the managers and agents of theatres or any other persons to give information or evidence in pursuance of such an investigation. Article 15 of the Bullitt Bill empowers each branch of Councils to compel the attendance of witnesses and the production of books and papers and other evidence at any meeting of the body or of any committee thereof, and for that purpose

may issue subpoenas and attachments in any case of inquiry, investigation, or impeachment and cause the same to be served and executed in any part of the Commonwealth; and upon refusal to testify or produce books or papers within the control or possession of the witnesses, further provision is made for an appeal to and intervention by the Courts of Common Pleas to compel the giving of such testimony or the production of the required documentary evidence. These provisions of the Act have been upheld in the cases of Eckstein's Petition, 148 Pa. 509 (1892), and Paist's Petition, 166 Pa. 530 (1895); but the power thus given by statute to Councils acting themselves or through appropriate committees cannot be delegated to the executive officers of the City or otherwise, and if, in pursuance of such an investigation as the resolution contemplates, it is necessary or desirable to require and compel the attendance of unwilling witnesses or the production of papers, records, etc., by them, the method necessary to be followed is for Councils themselves, or by means of a committee appointed for that purpose, to institute the investigation, for, as already stated, you would not, as Director of the Department of Public Safety, have the requisite authority to make use of compulsory process in order to secure the desired evidence.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 22, 1912.

In re construction of bulkhead opposite Bartram Park.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—On the 5th inst. I forwarded to you a copy of the brief filed with me by Mr. Vale, counsel for

the Filbert Paving Company, on the question of damages in the matter of the abrogation by you of contract No. 5743 for the construction of a bulkhead opposite Bartram Park, and I write now my view of the law, so that in arriving at a settlement, should you desire to endeavor to effect one, you may have the Filbert Company's contention and what would be the City's answer, so far as this particular phase of it is concerned and regardless of any facts.

In the letter of December 21, 1911, from Mr. Vale to the City Solicitor, Mr. Vale states that the Filbert Paving and Construction Company has elected to bring an action in affirmance of the contract and is entitled to recover:

(a) All expenses incurred on the faith of the contract.

(b) The value of any work done or materials furnished at the contract price, or the reasonable value of such materials or labor if no such contract prices are named.

(c) Any loss or damages suffered or labor done or materials furnished under sub-contracts entered into before the performance of the contract.

(d) The reasonable value of any extra materials or labor furnished outside of the contract at the request of the owner or with his knowledge or consent.

(e) Such profits as he would, with reasonable certainty, have made had he completed the contract.

With respect to the first element, it may be observed that the statement is correct, with the proviso that only those expenses incurred under the faith of the contract are recoverable which were within the contemplation of the parties at the time of its execution, either by actual or constructive knowledge or necessary inference.

The second element, or "the value of work done and materials furnished at the contract prices" is a correct

statement. It will be observed, however, that in the present case no work had been done and no materials had been furnished at the time of the rescission of the contract, and that therefore this element is negligible in the determination of the damages for which the City is liable.

As to the third element, or "any loss or damages suffered or labor done and material furnished" by sub-contract entered into before the performance of the contract, it is to be observed that such loss or damage must be limited to the amount which the law would allow to the sub-contractor in an action for damages by him against the contractor, or for work done and materials furnished under the terms of the contract, and in the performance of the original contract.

No extra materials have been furnished or labor done outside of the contract at the request of the City, and therefore the fourth element need not be considered.

As stated in Mr. Vale's letter, the only important element of damages in the case is the fifth or last one, involving "such profits as he would with reasonable certainty have made had he completed the contract." Mr. Vale's analysis of the law on the subject and his citation of authorities is substantially correct. It is merely necessary to point out the danger which might arise from a too literal interpretation of the broad language in the authorities which have been cited.

In Cyclopedia of Law No. 13, page 49, will be found an admirable statement of the chief question involved:

"Under the latter-day decisions, recovery of profits as damages is not excluded because they are claimed as profits *per se*, but they must be the natural and proximate causes of the acts complained of, and when this can be ascertained without uncertainty, the principle of compensation will be adopted. Indeed, whenever profits are rejected as an item of damages, it is because they are subject to too many contingencies and are too dependent upon the fluctuations of markets and the chances of business to constitute a safe criterion for an estimate of dam-

ages. Expected profits are in their nature contingent upon any changing circumstances, uncertain and remote at best. They *can be recovered* only when they are made reasonably certain by the proof of actual facts with present data for a rational estimate of their amount, and when this is made to appear, they may be recoverable as damages. The mere speculations and conjectures of witnesses who know no facts upon which a reasonably accurate estimate can be made form no better basis for a judgment than the conjectures of a jury without facts. Where the profits claimed are merely speculative or remote and not capable of being correctly ascertained under the recognized rules of evidence, they have been invariably denied by the Courts, whether such profits are claimed in actions *ex delicto*, or whether they are claimed in actions *ex contractu*.

“As a general rule, the party is entitled to recover the profits that would have resulted from a breach of a contract into which he has entered, where such breach is the result of the fault or omission of the other party. In such case, however, it must be *clearly shown* that the profits of which he claims to have been deprived are capable of being definitely ascertained, although it is not necessary that the profits claimed should be ‘certain or probable;’ it is sufficient if they are reasonably ‘certain’ or reasonably ‘probable.’ Where there are no rules of evidence or no fixed mode of calculation applicable to the particular state of facts involved, it has been the rule to deny them. The broad general rule in such cases is that the party injured is entitled to recover all his damages, including gains prevented as well as loss sustained, and this rule is subject to but two conditions: The damages must be such as may fairly be supposed to have entered into the contemplation of the parties when they made the contract; that is, must be such as might naturally be expected to follow its violation; and they must be certain, both in their nature and in respect to the cause

from which they proceed. It is against the policy of the law to allow profits as damages where such profits are remotely connected with the breach of contract alleged, or where they are speculative, resting only upon conjectural evidence or the individual opinion of parties or witnesses."

It will be seen from the above quotations, and from the quotations in the brief of Mr. Vale, that profits are undoubtedly an element of damages. They must, however, be within the contemplation of the parties at the time of the execution of the contract, and *capable of ascertainment with reasonable certainty and clearness*. It should be observed that while profits are allowed in a number of cases as damages, in the majority of cases in which they are sought recovery of them has failed because of the great difficulty involved in proving them with sufficient certainty and clearness.

In this case, I am of opinion that the profits which the Filbert Paving and Construction Company might have made on any sub-contracts executed by it after the execution of the original *contract*, as distinguished from profits arising out of the contract with the City itself are too remote to be considered as an element of damages; though entered into on the faith of the original contract, they were not within the contemplation of the parties at the time of its execution and cannot be considered in assessing the damages. But this would not preclude the Filbert Company from showing how much it would have had to expend in performing its contract, if it can do so with reasonable certainty, and claiming the difference between that amount and the contract price, as its measure of damages.

In the case of *Clyde Coal Company vs. The Railroad Company*, 226 Pa. 391, Mr. Justice Mestrezat said:

"The case is cited and approved in *Massachusetts vs. Fox vs. Harding*, 61 Mass. 516, where it is held that in an action for the breach of a City contract the plaintiff may recover as part of his damages such

profits as would have accrued to him from the contract itself if it had been performed; but not those which he would have realized from other contracts entered into for the purpose of fulfilling such special contract. Bigelow, *J.*, delivering the opinion of the Court, says (p. 523): 'If the plaintiff has offered to prove, in addition to this, that in consequence of the breach of the contract by the defendant, they had lost other contracts by which they would have realized large profits and which they had entered into for the purpose of fulfilling their contract with the defendants, the evidence would have been wholly inadmissible, because such collateral undertakings were not necessarily connected with the principal contract and cannot be reasonably supposed to have been taken into consideration when it was entered into.' *Hoy vs. Grenoble*, 34 Penna. 9; *Harvey vs. Railroad Company*, 124 Mass. 421."

After reviewing the cases upon the subject, the Court finally said:

"From this and other adjudicated cases, the doctrine may be regarded as settled that for the breach of contract damages may be recovered for loss of profits, the direct and immediate fruits of the contract itself and ascertainable with reasonable certainty, when they are the natural result of such breach, or which, under the circumstances, the parties may have contemplated at the execution of the contract as probable result of its breach; but damages for the loss of profits for the violation of a contract may not be recovered when they are uncertain, remote or speculative, *or when they grow out of a subsequent collateral or subordinate undertaking which was entered into upon the faith of the principal contract.*"

To the same effect is the case of *David vs. Wittner*, 46 Sup. 306. where it was held:

That a purchaser of goods cannot claim as an element of damages from the non-delivery of goods,

loss of anticipated profits, where it does not appear that the seller had any knowledge on the date of the contract of any contracts between the purchaser and his customers. Merely knowing that the purchaser was a dealer, and that the goods were purchased to be re-sold to customers who were unknown to the seller, is not sufficient to make the defendant liable for loss of profits."

By parity of reason it would seem to be the law that though the parties may have known that probably the contractor would execute such contract in order to fulfil the original contract, the profits which would be made on such executed sub-contracts are not elements of damages for breach of the original contract. Of course, the profits on unexecuted and prospective sub-contracts are too remote entirely to be considered.

In the present case no work has been done or material furnished under the terms of the contract, and the only element of damages that could arise is that of prospective profits.

There should not be much difficulty in determining the amount of damages due under a breach of the contract in question, if it is remembered that prospective profits must be proved with certainty and with reasonable probability, and that they must clearly be shown to have been within the contemplation of the properties at the time of the execution of the original contract.

To sum up, the measure of damages is the difference between the reasonable cost of performing the contract, shown with reasonable certainty, and the contract price.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 23, 1912.**In re Crealman & Snyder leases of patrol houses.*

ALFRED S. EISENHOWER, ESQ.,
Chief, Bureau of City Property,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of nineteenth of January, containing leases between Hazlet Crealman and the City for the rent of patrol house, and also between Andrew R. Snyder and the City for the rent of another patrol house—in which you ask whether these leases can be terminated at once, or if not at once, how soon they can be terminated by the City.

Each of the leases is for a term of ten years at a rental to be paid quarterly. Neither of them has any provision for holding over by the tenants after the expiration of the lease. As they were both executed in the year 1888, their terms have long since expired.

The City is now therefore a tenant of the premises from year to year, and must, under the law, give notice of its intention to quit at least three months before the expiration of its yearly tenancy. In the case of the lease from Andrew R. Snyder to the City, it would have to serve notice of its intention to quit upon the landlord, on or before the fifteenth day of December next preceding the fifteenth of March of the year in which it desired to vacate the premises. Similarly, in the other lease, the City must notify the landlord of its intention to quit on or before the seventh day of September next preceding the seventh of December of the year in which it desired to vacate. Of course, the City might vacate at any earlier date upon which it and the landlords might agree.

I herewith return the leases which you sent with your letter.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 25, 1912.**In re disposition of old material—Richmond Branch Elevated.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of an inquiry by the Chief Engineer, Bureau of Surveys, approved by you, with respect to the proper disposition of granite blocks and old water pipe removed from Frankford avenue, between Somerset and Huntingdon streets, in connection with the work of abolishing grade crossings along the Richmond Branch of the Philadelphia and Reading Railway Company.

The contractor for the repaving of the street having, under direction of the City, turned over to it the old material in question, to be used by the Bureau of Highways in making repairs on other streets, the officials of the Railway Company ask the City how it proposes to give the Railway Company credit for this material.

The ordinance of October 13, 1906, provides for the elevation of the track of the Philadelphia and Reading Railway Company at the joint expense of that company and the City, and the repaving of Frankford avenue is an improvement connected with and done as a part of the elevation of the railway. The scheme of the ordinance of 1906 for financing this improvement contemplates that the City and the Railway Company shall each bear one-half of the cost of elevating the tracks—the Railway Company itself to pay entirely for such incidental improvements as are properly to be considered betterments. Section 17 of the ordinance provides, in substance, that upon completion of the work old material and property purchased by the Railway Company for the work but not actually used for the joint interest, and all old rails and other material in use by the Railway Company at

the date of the ordinance which may not be used in the construction of the new work shall be disposed of at public sale and the proceeds credited to the joint appropriation; or, at the option of the Railway Company, such property or material may be retained by it at an appraisal of its value to be credited to the joint appropriation.

No similar provision appears for old material belonging to the City, but whether this be an intentional or an unintentional omission, I think that in pursuance of the general plan which, as already stated, provides for carrying out the improvement at the equal charge of the City and the Philadelphia and Reading Railway Company, it would be proper that a like method of procedure to that contemplated by Section 17 should be followed with respect to old material of the City which is to be replaced by new, and that therefore such material should either be sold for the benefit of the joint fund or, if the City so elect, it could be kept at an appraised valuation.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 26, 1912.

In re lease of Armory to the State Fencibles.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of January 24th, with respect to the lease of the City Armory to the State Fencibles, and enclosing a letter to yourself from Mr. Ritchie.

I find, upon inquiry, that by ordinance of the eleventh of January, 1904 (page 9), a lease to the State Fencibles

of the Armory property for ten years from March 1, 1904, was authorized, and in accordance therewith said lease was duly executed on April 2d of that year. This, of course, makes it impossible for the City to get possession of the Armory until the expiration of the lease, unless some amicable arrangement can be made with the State Fencibles for that purpose.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 27, 1912.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I return herewith a letter addressed to you from John C. Groome in relation to violation of the Removal of Snow Ordinance, with the pencilled direction, "Please withdraw—Blynn" written thereon. As the directions to prosecute come from you, if for any cause you deem it wise to withdraw the same, I wish the withdrawal notice to be under the same authority as the direction to prosecute, and ask that you act accordingly and give the necessary instructions to your subordinates.

I need not say to you that there ought to be some uniformity both of procedure and of punishment in these things, and that exemptions should not be a matter simply of favor. If, upon proper representation, it is found that the policeman who reported it is in error, you should have him explain why he made a report that was incorrect and then act as justice requires.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 27, 1912.**In re storm doors—premises No. 11 N. Thirteenth street.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of letter from the Chief of the Bureau of Highways, approved by you, with respect to a complaint by the owners of premises Nos. 15, 17 and 19 N. Thirteenth street to storm doors erected on the steps on premises No. 11 N. Thirteenth street.

From the facts detailed by the Chief of the Bureau of Highways, I do not think the City would be justified in interfering with the maintenance of these doors, and for your further information I beg to enclose a copy of a letter from this Department recently sent to the Director of the Department of Public Safety upon the same general subject.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 29, 1912.**Agreement with employees of Bureau of Highways not to
claim damages.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of January 26th, from the Chief of the Bureau of Highways, approved by you, requesting this Department to prepare a form of

agreement to be executed by the employees of that Bureau injured in the service of the City, by which they will waive any claim against the City for damages and agree to accept in lieu thereof their regular wages while disabled and until they are in condition to return to duty.

Such agreement as this in which an employee is required to waive in advance his right to damages for injuries arising from the negligence of the employer, or received in such other manner as to make the employer liable, are viewed with extreme disfavor by the Courts, though, perhaps, not absolutely illegal. It would seem to me that where the employer is a great city, to require such agreements to be entered into by its employees would not be expedient, and I place these considerations before you with the suggestion that unless the purpose to insert this stipulation in the contracts of the employees of the City is a fixed one, in my judgment it would be wiser to omit it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 30, 1912.

*Findings of Police Court in case of Officer Wm. J.
Edwards.*

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 29th inst. enclosing the findings of the Police Court in the case of Officer William J. Edwards, of the Motor Cycle Squad, together with a report thereon from the Superintendent of Police. It appears therefore that Officer Edwards was tried before the Police Court on June 17, 1908, charged with conduct unbecoming an officer, and was found

guilty, and a recommendation made that, subject to the approval of the Director, he "be discharged with loss of pay during suspension." It does not appear that this finding of the Police Court was ever approved by the Mayor, and it is stated in the report of the Superintendent of Police that no definite action was taken upon it beyond its being filed. Upon the outside of the cover with which the finding of the Police Court is bound appears the endorsement: "Filed. Approved, Henry Clay, Director of the Department of Public Safety," but you state that this is not the signature of the former Director of the Department of Public Safety, but of one of the clerks.

The finding of the Police Court upon the offence of the officer was as follows:

"In the attached case of the Bureau of Police *vs.* Patrolman William J. Edwards, No. 9, Motor Cycle Squad, the Court finds as follows:

"Charge No. 1. Conduct unbecoming an officer: **GUILTY.**

"The testimony in this case shows that, while off duty on the morning of May 30th, and lying on the couch in his home, No. 2503 Pine street, having removed his shoes and coat, Officer Edwards heard a shot fired about 1.30 o'clock, and immediately ran from the house, thinking he would be of some assistance. He ran to the corner of Twenty-fifth and Panama streets, where he met Private Detective Ebbecke and Night Watchman Coyle, and he inquired from them who fired the shot. Coyle said he did, to scare the dogs around there. Officer Edwards, Ebbecke and Coyle then stood on the corner and 'Derby' Mann came up carrying a little flag and hollering 'Hoo-rah for the G. A. R.!' He was followed by a man named Sheridan. While standing on the corner, Ebbecke was showing Officer Edwards his gun, and the latter joked with him about it, and, as Mulherin came up about 10 or 15 feet behind Sheridan, Officer Edwards said: 'As long as you are all having fun, we may as well all have fun.' Pulling his re-

volver out of his pocket, he said: 'This is something you ought to all have,' and discharged it, Mulherin exclaiming 'Gee, I am shot.' It is also shown that when the officer found what he had done he did everything in his power to relieve Mulherin's suffering and get him to the hospital as soon as possible.

"While the evidence in this case does not show that Officer Edwards shot Mulherin on account of any feeling between them, there is sufficient evidence to convict him of the charge of conduct unbecoming an officer in drawing his revolver and discharging it; and, according to his own testimony, he is satisfied that the shot fired from his revolver hit Mulherin.

"The Court therefore finds as above and recommends, if it meets with the approval of the Director, that Patrolman William J. Edwards, No. 9, Motor Cycle Squad, be discharged, with loss of pay during suspension."

The subject is governed by the following provisions of the Bullitt Bill:

"No policeman or fireman shall be dismissed without his written consent, except by the decision of a Court either of trial or of inquiry duly determined and certified in writing to the Mayor, which Court shall be composed of persons belonging to the police or fire force equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges with plain specifications, made by, or lodged with, the Director of the Department of Public Safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person. The persons composing such Court shall be appointed and sworn by the Director of the Department of Public Safety to perform their duties impartially and without fear or favor, and the person of highest rank in such Court shall have the same authority to issue and enforce process, to secure the attendance of witnesses, and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth.

"Such charges may be of disability for service, in which case the Court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned, or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which case the Court shall be one of trial, and its decision may authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them not exceeding one year, or to dismiss from the service.

"It shall be lawful for the Director of the Department of Public Safety, at his discretion, to suspend from duty before trial any person charged as aforesaid, until such trial can be had, with or without pay as such Court shall afterward determine, but no trial shall be delayed for more than one month after charge made.

"The finding of the Court of trial or inquiry, as aforesaid, shall be of no effect until approved by the Mayor."

It will be observed from the foregoing that the finding of the Court of trial has no effect until approved by the Mayor.

I do not think it necessary to discuss the legal aspects of the matter as presented, but would recommend that the testimony and finding of the Police Court be laid before the Mayor for his approval, and if he approve, of which fact a proper record should be made, that the officer be discharged in accordance with the recommendation of the Court.

I return herewith the papers enclosed with your communication.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, February 2, 1912.**In re demotion in Police Department.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of January 31st inquiring whether a “demotion” in the Police Department is permissible without trial, etc., as provided in the Bullitt Bill.

The section of that bill to which you refer is Section 1 of Article 3. It provides that “no policeman or fireman shall be dismissed without his written consent, except by the decision of a Court either of trial or inquiry;” that the charges brought against a policeman in that Court may be either of disability for services, or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct; and that the decision of the Court may authorize the Director to impose “fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them not exceeding one year, or to be dismissed from service.”

It will be observed that this section of the Act of 1885 specifically fixes the character of the penalty which can be imposed by the Court of inquiry or trial created by it. Demotion, or reduction in pay or position, is not one of the penalties which the Act authorizes the Court to impose.

Section 20 of the Act of March 5, 1906, however, expressly provides for the manner in which reduction in pay or position may be made in the case of any employee of the City. It provides that no officer, clerk or employee shall be removed, discharged or reduced in pay or position except for just cause, which shall not be religious or political, and that the reasons for a removal, discharge or reduction must be furnished to the accused employee

of the City in writing, and that he must be allowed to give the removing officer an answer to those charges in writing. This section of the Act of 1906 is as follows:

“No officer, clerk or employee in the competitive class or in the non-competitive class of the classified civil service of any city of the first class, who shall have been appointed under the provisions of this Act, or of the rules made pursuant thereto, shall be removed, discharged or reduced in pay or position except for just cause, which shall not be *religious or political*. Further, no such officer, clerk or employee shall be removed, discharged or reduced, except as provided in Section 8 of this Act, until he shall have been furnished with a written statement of the reasons for such action, and been allowed to give the removing officer such written answer as the person sought to be removed may desire. In every case of such removal or reduction a copy of the statement of reasons therefor, and of the written answer thereto, shall be furnished to the Civil Service Commission, and entered upon its public records. Nothing in this Act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty (30) days: *Provided, however,* That successive suspensions are not to be allowed. Nothing in this Act shall alter the procedure required for the removal or punishment of policemen and firemen, as provided in Article 3, Section 1, of the Act of June 1, 1885, relating to the government of cities of the first class.”

The last part of this section provides that nothing in it shall be construed to alter the procedure required by the Act of 1885 for the removal or punishment of policemen and firemen. That such a proviso is inserted in the Act seems to indicate clearly that the Legislature contemplated that all punishment of policemen and firemen not provided for by the Act of 1885 should be administered in accordance with the provisions of that section.

To permanently reduce the pay of a City employee is

entirely different from fining or suspending him for a limited time. The Director of the Department of Public Safety can permanently reduce the pay or position of a fireman or policeman for good cause, and he may ascertain the cause in any manner which seems best to him. The reasons for a reduction in position or pay may be entirely different from the reasons which would lead a Director to fine an officer or fireman. A Court of trial would be a cumbersome and inefficient method of ascertaining the reasons for a permanent change of position of an employee of the Department. The Director has better facilities for ascertaining such reasons, and he, having ascertained them, may reduce in position or pay without trial, by giving the person so reduced written notice of his reasons for taking such action and an opportunity to reply to those reasons.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 3, 1912.

In re issue of \$1,750,000 loan for school purposes.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of a copy of the correspondence between you and William F. Harrity, Esq., in relation to the issuing of that part of the loan authorized by a vote of the people at the election held May 23, 1911, amounting to \$1,750,000 for the "purchase of sites and the erection of buildings for elementary schools."

The questions you desire me to answer are:

1. Whether the affirmative vote of the people at the said election makes it obligatory upon the municipal authorities to negotiate and issue the portion of the loan in question.

2. Whether the loan, if issued, would diminish the borrowing power of the City.

3. Whether the authorization by the people to issue the loan in itself and without the actual issue thereof reduces the City's borrowing capacity.

To the first question I make answer: The election to pass upon the question of issuing the loan was held by virtue of the ordinances of April 4th and April 21, 1911, the former expressing the desire of the municipal authorities to borrow a sum amounting in all to \$11,500,000 for various purposes, one of which was "for the purchase of sites and the erection of buildings for elementary schools, \$1,750,000," and the latter ordinance directing an election to be held for the purpose of obtaining the assent of the electors to the said increase of indebtedness.

At the election held under authority of the latter ordinance, a majority of the people voted affirmatively upon the proposition before them, thus authorizing the floating of the loan by the authorities of the City. Such authorization by the people is made necessary by Section 8, Article IX of the Constitution, which provides, *inter alia*, that no municipality or district shall "incur any new debt or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property without the assent of the electors thereof at a public election in such manner as shall be provided by law."

Provision was made by the Act of April 20, 1874, to carry this section of the Constitution into effect. That Act has been amended from time to time, the last amendment being May 1, 1909 (P. L. 320), which provides that the debt of a municipality may be authorized to be increased to an amount exceeding two per centum and not exceeding seven per centum upon the last preceding

assessed valuation of the taxable property therein, with the assent of the electors thereof, duly obtained at a public election to be held in the said district or municipality.

It is seen from the constitutional and statutory language above referred to, that the purpose in view was to provide for the assent of the voters in order that the loan might be authorized, but it is not to be inferred from this language that the mere assent of the electors obligates the corporate authorities to issue the loan when such permission is granted. If the debt of the City exceeds two per centum, no further money may be borrowed without the assent of the voters, but, if such assent be given, the question still rests with the municipal authorities to decide whether, in their judgment, it may be advisable to float the loan in accordance with the permissive action of the voters. The affirmative vote upon the question is not a mandate to borrow the money, but merely authorizes that course if the authorities deem it advisable to avail themselves of the power thus conferred upon them. This is the view which has been recognized by the Courts whenever the question has arisen. Thus, in *Barr vs. Philadelphia*, 191 Pa. 438, and in *Major vs. Aldan Borough*, 209 Pa. 247, it was held that the voters did not have the right to decide even as to the purposes of the loan—the notice to them with respect to such purposes being intended only for their information and in order that they might vote intelligently on the question whether they would give or withhold their consent to the borrowing of the money.

I therefore advise you that: The affirmative vote of the people does not make it obligatory upon the municipal authorities to negotiate the loan thus authorized, or any part thereof.

To your second inquiry—whether the loan, if issued, would diminish the borrowing power of the City—I make answer: If the City issues bonds in the sum of \$1,750,000, or in any other amount, it, of course, obligates itself to pay the face amount of such bond at maturity, with interest at the rate agreed upon, until the loan falls due. This makes the City a debtor to the holder of the

bonds, and between itself and such bondholder it is liable thereon. Section 5 of the Act of April 20, 1874 (P. L. 68), provides that the word "indebtedness" used in this Act shall be deemed, held and taken to include all and all manner of debt as well floating as funded, of said municipality, and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof the moneys in the Treasury, all outstanding solvent debts and all revenues applicable within one year to the payment of the same." This portion of the Act was considered by the Supreme Court in the cases of *Brooke vs. City*, 162 Pa. 123, and in *Elliott vs. Phila.*, 229 Pa. 215, in which the foregoing provisions were given effect and held to be valid and in full force. In the former of said cases the amount of the obligations of the City held in the Sinking Fund was determined to be a proper deduction from the gross debt of the City in estimating its net debt.

I am therefore of opinion that upon the issuance of the loan for school purposes the face amount thereof would be added to the City's debt and its borrowing power would be diminished accordingly. Should, however, the School Board, by arrangement between itself and the City, subsequently furnish funds whereby the bonds or a portion of them would be redeemed by purchase, either by the City itself or for the Sinking Fund, this would operate to restore the City's borrowing capacity by the amount of the bonds so purchased.

To the third question I make answer: The mere authorization of the people to issue the loan would not in itself create a debt or reduce the City's borrowing capacity. In the case of *Redding vs. Esplen Boro.*, 207 Pa. 248, it was expressly decided that in computing the borrowing capacity of a municipality, debts authorized but not incurred were to be ignored, and in the recent case of *Elliott vs. Phila.*, referred to above, while the report of the case does not clearly show that this point was adjudicated, yet among the grounds upon which the proposed loan was alleged to be invalid was one that, taking into consideration the authorized loans, the City

would exceed the permissive limit of indebtedness if the bonds in suit were to be negotiated, and the decision of the Supreme Court involved the ruling that such authorized but unissued loans were not to be computed in estimating the City's borrowing capacity. I therefore reply to the third question in the negative.

I have answered the questions put to me by you as is my duty as the Law Officer of the City—clearly and distinctly—and yet I feel that with propriety I may add that if Councils, with your concurrence, desire to make this loan for the purposes for which the people voted it, such action would be entirely lawful.

It is true that since the passage of the ordinance submitting to the people this question of the loan, a new Board of Public Education has been clothed with extraordinary and independent powers, among which are the right to levy taxation and the right to borrow money—but whether or not the vote of the people carried with it the moral obligation to lend the City's credit for the laudable purposes designated by them is a subject which should be determined by the law-making powers of the municipality.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 3, 1912.

In re claim of Cassius E. Gillette.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of January 31st enclosing a communication to yourself from

counsel for Major Cassius E. Gillette. You ask to be advised as to the legal status of Major Gillette in relation to his alleged claim against the City.

From the letter of Major Gillette's attorney, it appears that he, with two other engineers, was appointed by Hon. John Weaver, then Mayor of the City, on July 28, 1905, to make an examination of the filtration system then in process of construction, and the accounts and contracts relating to the same, and the method of letting such contracts; also, to make a similar examination of the Northeast and Southern Boulevards of the City, then in process of construction. The claim presented is based upon that portion of the Bullitt Bill (Article 1, par. 1), which provides that:

"The Mayor shall, as often as he may think proper, appoint three competent persons to examine without notice the accounts of any City Department, trust officer or employee, and the money, securities and property belonging to the City in the possession or charge of such Department, trustee, officer or employee, and report the result of such investigation."

In my opinion, this provision of the statute is intended to authorize the employment of persons to examine and audit the pecuniary accounts of any branch or employee of the City Government having possession of money, securities or property belonging to the City, with the object of ascertaining whether there is any shortage with respect thereto, or for a purpose of similar nature. I do not believe that that portion of the Bullitt Bill is intended to authorize the Mayor to appoint technical experts in the ordinary fields of municipal activity to supervise or examine the work of the regular City Departments. Moreover, it may be questioned whether an available appropriation should not have been first had before the City would be bound by the action of the Mayor in appointing persons under authority of this clause of the statute.

I am therefore of opinion that the claim is one for which the City is not legally liable. Whether or not there is a moral obligation which would justify you in

recommending to Councils to make an appropriation is a matter which you should determine after obtaining complete information.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 3, 1912.

In re awarding of contract for repaving Arch street.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of February 1st inquiring whether it would be legal for your Department to permit the contractor, for the repaving of Arch street with wooden blocks, to use a coal tar oil which conforms to the requirement of the specifications but is not similar to the sample submitted by that bidder at the time of the opening of the bids—his sample being of a water gas oil and not a coal tar oil.

I learn that this contract has not yet been awarded, and to agree at this stage of the matter that a different character of oil might be used by the contractor, from that of which he was bound to and did furnish a sample, would be in effect to alter by private negotiations with the bidder the character of the thing to be furnished in his bid.

In the case of *Louchheim vs. City*, 200 Pa. 100, it was held by the Supreme Court that this could not be done, and, although the change with respect to the bid was in that instance beneficial to the City, yet the Court held that to permit of such negotiations would be in contravention of law, and that the contract let thereunder was illegal and must be set aside.

The same consideration would apply in this case, and I am therefore constrained to say that the course suggested would not be proper or legal.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

Philadelphia, February 3, 1912.

Dispensing with services of bridge watchmen.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your request for an opinion as to your right to dispense with the services of watchmen on certain bridges in view of the fact that these positions were created by ordinance of Councils.

If, as I understand from your letter, Councils have done nothing more than make appropriations for the salaries of the watchmen in question, and if, as you say, "so far as I can find out, a good many of these men never do anything except to be present and draw their salaries," I think you would be justified in dismissing such watchmen and in not filling their places, providing that, in your judgment, there are no duties for them to perform.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 6, 1912.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 5th inst. stating that it is of the greatest importance that the

completed portion of the High Pressure Fire Service System in the northeast section of the City be placed in operation at the very earliest possible moment, and inquiring whether this would interfere with the proceedings now before the Courts.

In reply, I would say that in the mandamus proceedings of the Millard Construction Company now pending in the Supreme Court, one of the points raised by us in behalf of the City is that it was unlawfully sought by Councils to surrender the retained percentages before the completion or acceptance of the work under contract of August 17, 1909, and the supplemental contracts of November 22, 1909; August 2, 1910, and July 27, 1911.

To take possession of any of the work covered by these contracts might be construed as an acceptance of the work and might be considered a waiver of the point mentioned in the pending litigation. The work not covered by these unfinished contracts of which you write can, of course, be used. Even as to the parts covered by the contracts, I add that the taking possession and use by you may be so desirable as to outweigh in importance any legal disadvantage that might result—this you should determine.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 9, 1912.

In re widening Castor avenue, etc.

HON RUDOLPH BLANKENBURG,
Mayor of Philadelphia,
City Hall, Philadelphia.

DEAR SIR:—During the next few weeks there are upon the trial list about twenty (20) cases involving appeals from awards made by Road Juries to owners of land who

claim to be damaged because of the widening of Castor avenue "to its full width from Oxford avenue to Bustleton avenue."

Castor avenue has been open to the width of forty (40) feet for more than fifty (50) years. On July 21, 1909, there was passed an ordinance to authorize the opening of Castor avenue to its full width from Oxford avenue to Bustleton avenue. Its full width is one hundred (100) feet, so that the new widening is for sixty (60) additional feet. Most of the land abutting on Castor avenue is farm land used for trucking, pasturage and dairy purposes. The claims that were presented before the Road Jury for alleged damages aggregated \$342,657.29; the Road Juries' awards totalled \$118,359. The greater portion of the damages claimed and awarded are for grading of the farm land of the claimants.

In the opinion of the Road Bureau of this Department, the widening of Castor avenue to one hundred (100) feet is an entirely unnecessary improvement at this time. The avenue is far removed from the present development of building operations, and, in all likelihood, the abutting property will not be used for building purposes for many years.

Considering the financial condition of the City and the need of money for absolutely necessary expenses, I respectfully suggest that you recommend to Councils the repeal of the ordinance approved July 21, 1909. Before making this recommendation, I have obtained information from the District Surveyor that no part of the physical work of widening Castor avenue or of regrading the street has been done.

The first of the cases is on the list for trial for Thursday next, so that if you intend to act, I wish you would promptly so advise me, that I may make representation to the Court and ask for a continuance of these cases.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, February 9, 1912.**In re discharge of Wm. K. Johnson.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.
Bourse Building, Philadelphia.

DEAR SIR:—I am in receipt of your letter in reference to the decision by the Court of Common Pleas No. 1 in a proceeding instituted against your predecessor to compel him to discharge William K. Johnson, an employee of your Department, for violation of the Shern Law. You ask to be advised what the decree is in this proceeding and whether it is mandatory upon you to dismiss Mr. Johnson, whom, you say, "has always been faithful in the performance of his duties and is one of the most valuable employees in this office."

The decision in question was made upon a motion to quash the writ of alternative mandamus against Mr. Hasskarl to compel him to discharge Mr. Johnson. The motion to quash was based upon various points of law raised by the attorney for the person whose discharge was sought, and the decision overrules the motion to quash, but does not specifically direct that a peremptory mandamus issue, as indeed could not be done at this stage of the proceeding, for, under the law, time must be given to file a return to the alternative writ. Moreover, the defendants in the mandamus proceeding were the former Director of your Department together with Mr. Johnson. No question of fact was actually decided by the Court, although, in one portion of the opinion, it is stated that, not having made a specific denial of the charges against him, Mr. Johnson may be supposed to have admitted these charges to be true.

As already stated, however, there has not as yet been given any mandate of the Court requiring his discharge. Whether you would deem it proper to act in the matter, without awaiting further proceedings, upon the Court's

decision that the Shern Act is constitutional and that Johnson is "subject to dismissal" is a question which you should decide for yourself.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 10, 1912.

*In re estimates, payments—construction of sewers.
J. Howard Wilson, Joseph Perna.*

MORRIS L. COOKE, Esq.,
Director, Department of Public Works,
City Hall, Philadelphia.

DEAR SIR:—This Department is in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by you, inquiring whether it is authorized to make current and final estimates and payments and deliver assessment bills on account of the construction of certain sewers to J. Howard Wilson, who holds a power of attorney from Joseph Perna, the contractor for the construction of those sewers, to collect the money and assessment bills payable therefor.

I see no reason why your Department would not be authorized to make such current and final estimates and payments and deliver assessment bills to Mr. Wilson, accepting his receipt as the necessary voucher.

In reference to the fact that the power of Attorney is not acknowledged before a notary, while such acknowledgment is not necessary to the validity of the power, yet if any doubt exists as to its genuineness, the Chief of the Bureau of Surveys would be justified in requiring the acknowledgment of the paper by way of certifying to its correctness.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 10, 1912.

In re collection of garbage by private collectors.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—This Department is in receipt of your request of February 9th, for an opinion as to whether you have the right to restrain private collectors from collecting garbage.

You state that you could “harass the private collectors by insisting on the sanitary removal of the garbage in strict accordance with the ordinance covering this matter, but this will not be enough, I am quite sure, to entirely eliminate private collection.”

In the case of *City vs. Lyster*, 3 Superior Court, 475, it was decided that an injunction would not lie to prevent the private collection of garbage done in accordance with the method prescribed by ordinance; that the proper procedure was to enforce the ordinance against such private collectors, and, if that proved ineffective, to pass such ordinances as might be necessary; and that the Board of Health had no power to declare the private collection of garbage, etc., to be a nuisance.

Under this decision it would appear that the collection of garbage by private persons cannot be prevented merely by executive action.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, February 14, 1912.**In re widening of Castor avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.
City Hall, Philadelphia.

DEAR SIR:—In reply to your letter of the 14th inst. in relation to the widening of Castor avenue, permit me to say that two claimants have been paid—one, the Estate of J. Lukens Comly, \$3,000; the other, Huizinger Hamilton, \$2,250. Of course, in the event of the Ordinance being repealed in its entirety, the City will have lost the money paid to these claimants unless the repealing ordinance be so worded as to exclude that portion of Castor avenue abutting the property of the claimants who have been settled with.

In addition to the aforementioned sums, the City will also have to pay the abutting owners any loss or expense to which they have been put by reason of the taking of their property under the ordinance of 1909. These payments and the possible payments are, however, insignificant comparatively in comparison with the gross total that may have to be paid.

I am strongly of the opinion that a repealing Ordinance should be introduced at to-morrow's session of Councils.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 15, 1912.

*In re ordinance for opening of Sixty-fifth avenue between
York road and Park avenue.*

W. R. BENSON, ESQ.,

Chief of the Bureau of Highways,
City Hall, Philadelphia.

DEAR SIR:—Some time since you wrote to this Department in relation to the ordinance for the opening of Sixty-fifth avenue North, between York road and Park avenue, and asked whether or not a rental for the property taken should have been paid to the City.

Permit me to say that the ordinance was approved November 15, 1909; that the award of the jury was made August 2, 1911, in the sum of six thousand two hundred and forty-five (6,245) dollars; that an appeal was taken by the City on August 14, 1911; that the bond of the City of Philadelphia was filed October 31, 1911; and that the taking of the house dates from the filing of the bond, namely, October 31, 1911, and thereafter any rent that may accrue therefrom should be paid to the City of Philadelphia.

Will you please take the matter up with Mr. Eisenhower; or, will I so do?

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 15, 1912.

In re condemnation of property for Park plan.

GEORGE S. WEBSTER, Esq.,

Bureau of Surveys,
Room 412, City Hall, Philadelphia.

DEAR SIR:—In reply to your letter of the 5th inst. in relation to condemnation of property for Park plan, permit me to say that Mr. Edgar Dudley Fairies of the Road Bureau has reported to me as follows:

“I beg leave to return herewith letter of George S. Webster, dated February 5th, with plan of the condemnation of plot of ground bounded by Frankford avenue, Foust street, Willow street, Dark Run lane, Charles street and Comly street, for park purposes.

“This ordinance, in my judgment, is very loosely worded, and a strict interpretation, I feel sure, would include only to the sides of these streets. I think it would be advisable for the lines to include the middle of Foust street, the middle of Willow street, the middle of Dark Run lane, and the middle or whole of Charles street and we would recommend that the ordinance be amended to conform to this suggestion. In fact, the ordinance should be so drawn as to begin at a certain point and to give the course and distance along each street.

“This is particularly advisable where the lot is irregular, as this one is.”

I return the plan which you sent me.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, February 15, 1912.**In re keeping pigs in southern part of City.*

HON. RUDOLPH BLANKENBURG,
 Mayor of Philadelphia.
 City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your inquiry as to the laws and ordinances in relation to the keeping of pigs.

By ordinances of March 1, 1855, page 82, and September 23, 1864, Section 20, page 359, it is declared a nuisance to permit pigs and other therein designated animals to go at large in the highways or public parks or squares, etc., of the City; and by Act of Assembly of April 5, 1849, Section 3 (P. L. 346), it is provided:

“That whenever any nuisance shall be found anywhere within the jurisdiction of the Board of Health by reason of the keeping of hogs or other animals, the Board of Health, in addition to their power of destroying the pens or other enclosures containing such animals or of otherwise abating and removing such nuisance, be and they are hereby empowered to seize such animals and deliver them over as forfeited to ‘the Guardians for the Relief and Employment of the Poor of the City of Philadelphia, the District of Southwark, the Townships of the Northern Liberties and Penn’ for the use of said poor, and it shall be the duty of said Guardians of the Poor, on notice from the Board of Health, to receive the said animals and pay the expense of their removal, provided that nothing herein contained shall be construed to interfere with the keeping of well-regulated markets for the purchase and sale of cattle, excepting swine.”

Under this Act, the Board of Health has the power to declare the keeping of hogs or other animals to be a nuisance in individual cases, and to enforce the provisions of the statute when the nuisance is so declared.

In the year 1900, in a number of instances, the Board of Health took such action, declaring the keeping of hogs in the southern section of the City to be a nuisance, but upon a bill in equity filed by two of the persons affected, whose property was at the extreme southern limit of the City, Court of Common Pleas No. 2 issued a special injunction to prevent the carrying out of the order of the Board of Health, which injunction is still in effect with regard to the two plaintiffs concerned—Messrs. J. C. Lafferty and James Hasson. The Court in those cases seemed to hold the view that in the portion of the City there in question, which was wholly rural in character, the keeping of hogs would not constitute a nuisance.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 20, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your inquiry whether you would be justified in appointing the Secretary of the Committee on Comprehensive Plans, to date from January 1, 1912.

By Section 4 of the ordinance approved February 17, 1912, the Director of the Department of Public Works is authorized to appoint a Secretary to the Committee on Comprehensive Plans, at a salary of \$2,500 per annum. "said appointment to date from January 1, 1912." and in Section 5 an appropriation is made "for the year 1912 for the salary of the Secretary, \$2,500."

You state "that the person to whom it is intended to give a provisional appointment to this position has actually performed the duties of the position since January

1, 1912, and any warrant drawn will be in payment for services that have been rendered."

In view of the fact thus appearing, that the intended appointee has been de facto the Secretary of the Committee, and of the evident intent of Councils, as shown by the provisions above quoted from the ordinance of February 17, 1912, I am of opinion that you would be justified in appointing the Secretary from the beginning of the year and in drawing your warrants accordingly.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 26, 1912.

Acquisition by City of property subject to lien or mortgage.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia,

City Hall, Philadelphia.

MY DEAR SIR:—I am in receipt of your inquiry of this date, whether the City can acquire property subject to a lien or mortgage, to which you request an answer by return, if possible.

There is no legal objection to the City's acquiring property (real estate) subject to lien or mortgage if Councils authorize this to be done and if the condition of the City's debt be such that the addition thereto of the amount of the lien or mortgage will not cause the permissible limit of indebtedness to be exceeded. I think that the purchase of property subject to the lien of a mortgage or ground rent does increase the City's debt to the amount thereof, even though the incumbrance be payable by installments and though the City's bond be not given in the transaction.

In the case of *Brown vs. Corry*, 175 Pa. 528, for example, it was held that the acquisition by a municipal corporation of a plant for a water supply, to be paid for by twenty annual installments out of the "current revenues and not otherwise" of the City, entailed an increase of its debt by the amount of such installments, and in the cases of *Baltimore vs. Gill*, 31 Md. 375, and *Newell vs. People*, 3 Selden, 9, it was decided that the purchase by a city of property subject to incumbrance or the hypothecation of the assets of the city as security did not prevent the unpaid purchase money from constituting a part of the city's debt.

Accordingly, in the recent purchase of the lot at Broad and Arch streets from the Foederer Estate for a part of the Parkway, subject to a mortgage payable in ten annual installments of \$100,000 each, James Alcorn, Esq., my predecessor, was of opinion that the unpaid installments constituted an increment of the City's indebtedness, and in this opinion I concur.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 27, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.
City Hall, Philadelphia.

DEAR SIR:—In reply to your letter of the 26th inst., permit me to say that a mere "Yes" or "No" answer to the questions propounded by you in relation to the recent Constitutional Amendment, providing for the possible increase of the debt of the City of Philadelphia, can neither solve nor explain the extraordinary problems which will confront you during your administration.

However, as within the short compass of your letter, four questions are asked, I answer:

To the first: "As to the effect of the adoption of the Constitutional Amendment on debt limitation"—there is no effect. The City's debt will not be permitted to exceed seven per cent. of the assessed value of the taxable property except for the purposes and in the manner designated in the amendment, and for these there is no limit whatsoever.

To the second: "Whether legislation will be necessary before this amendment can be made of practical use"—no legislation is necessary to give legal force and effect to this amendment.

To the third: "Whether there can be an exclusion from the debt of any bonds already issued for revenue-producing improvements"—no.

To the fourth: "Is it only applicable to bonds issued for further improvements"—yes.

I need not say to you that making answer to hypothetical questions is always dangerous and may be misleading, and this Department ought only to be asked to give its opinion upon some definite question based upon facts and conditions confronting the officers of the municipality or its Departments.

I personally believe that the making effective of this Constitutional Amendment is largely a matter of finance, because the question is: "Is it possible to establish the great public improvements that the amendment was designed to make possible—for it is required thereby that they shall 'yield to the City and County of Philadelphia current net revenue in excess of the interest on said debt or debts' (being the cost of their building), 'and of the annual installments necessary for the cancellation of said debt or debts * * * .'"

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 28, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,
City Hall, Philadelphia.

MY DEAR SIR:—I send you herewith for your consideration the recommendation of the Road Bureau of this Department that certain ordinances therein designated be repealed. Reports in detail have been made to you upon each. Accompanying the recommendation is a copy of the proposed ordinance.

This action is taken in furtherance of the policy which I have outlined to you, that where it is believed that the needs of the locality do not require the opening of streets or the taking of land, they shall not be proceeded with, and all of these come as the result of independent inquiry by the officers of the Road Bureau in consultation, I think, in most cases, with the officers of the Survey Department.

The ordinance to amend—"An Ordinance to authorize the opening of the unopened portion of Lancaster avenue, from Fifty-sixth street to Sixty-second street"—applies to but one square, and that one square involves the taking of an old quarry for which a claim has been made amounting to nearly four hundred thousand (400,000) dollars.

I would like, if possible, that these matters be sent to Councils at to-morrow's meeting, as in at least one of them proceedings are pending in the Court of Common Pleas on appeal from the award of a jury of view.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, February 28, 1912.**In re distribution of advertising matter.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of February 26th, enclosing a letter from Mr. Frank Neall, Assistant Chief of the Bureau of Highways, in regard to the distribution of circulars and other printed matter on doorsteps, etc., throughout the City. You also send nineteen pieces of advertising matter which are said to have been laid on a single doocrstep in West Philadelphia during twenty-six consecutive hours.

The subject is governed by the ordinance of March 31, 1900, page 98, which makes it a nuisance

“To cast or place in the streets of the City, or on the footways thereof, or into the vestibules or yards, or upon the porches of any dwellings or other building within the limits of the City, any paper, advertisements, handbills, circulars or waste paper. Any person or persons violating any provisions of this ordinance shall forfeit and pay the sum of twenty (20) dollars for each and every offence, to be sued for and recovered in the manner that debts for penalties of like amount are by law sued for and recovered: *Provided*, That nothing herein contained shall be held to apply to newspapers and addressed envelopes.”

The validity of this ordinance was declared and its provisions sustained in the case of *Philadelphia vs. Brabender*, 17 Super. Ct. 331 and 201 Pa. 574; but in the case of *Philadelphia vs. Costello*, 17 Super. Ct. 339, it was held that printed matter enclosed in an envelope directed to the “Lady of the House,” or with a like general direction, came within the proviso that nothing contained

in the ordinance should be "held to apply to newspapers and addressed envelopes."

I return herewith the nineteen pieces of advertising matter sent to me.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 29, 1912.

*Contract for grading Kensington and Oxford Pike,
Levick to Knorr street.*

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of letter of February 23d from the late Chief of the Bureau of Highways, bearing your approval, in reference to the grading of Kensington and Oxford Turnpike.

It appears therefrom that the contract to do this work was let on October 16, 1911, the grading to include, without additional allowance, the contingent work indicated upon a plan then in the possession of your Department. The limit of the contract was \$8,000. The contract was executed on November 8, 1911, and on November 21st the contractor was notified to proceed with the work. Thereafter, and after he had actually started to do some of the work, on November 23, 1911, the notice to proceed was recalled.

The original estimate called for 2,058 cubic yards of cut and 2,774 cubic yards of fill, the contract being based on the greater amount—that is, 2,774 cubic yards of fill. A new estimate and plan were then prepared which reduced the amount of fill and increased the amount of cut, requiring 2,392 cubic yards of fill and 2,131 cubic yards

of cut; also requiring additional contingent work to that specified in the original contract, consisting of flag-stone and granite block repaving, six-inch cast iron pipe, wooden trunk, etc., and reducing the amount of sixteen-inch pipe.

Nothing seems to have been done until February 1st of this year, when the contractor wrote your Department calling attention to the contract, stating that he had been at all times willing to proceed therewith and asking for instructions. To this a reply was made advising the contractor of the new estimate and plan, and asking if he would be willing to proceed with the work under the contract and do the extra work if paid for 2,392 cubic yards of fill at \$2.62 per cubic yard, instead of for 2,774 cubic yards, the original estimate. The contractor responded under date of February 19, 1912, declining to go on with the work upon the basis suggested by you, stating that he would hold the City liable upon the contract, and offering to release his claim thereunder for the sum of \$2,500.

You ask to be advised what action your Department would be justified in taking, as it is important that the work should be proceeded with at the earliest practicable moment.

The contract provides in substance that the contractor shall grade the Kensington and Oxford Pike, from Levick street to Knorr street, and do such work appertaining thereto as may be ordered by the Bureau of Highways (Department of Public Works) at the price of \$2.62 per cubic yard, the total amount to be paid for the work to be done under the contract in no event to exceed the sum of \$8,000.

The bids were invited to be made upon blank forms covering a large number of different streets, with specific provisions respecting each. Under the heading "K. and O. Pike, from Levick to Knorr street," certain definite numbers and quantities of inlets to be furnished, curbing to be laid, flag and brick pavements to be taken up and relaid, cast iron pipe, etc., to be required, and macadam and granite block repaving to be done; and that trees, sheds, fences, etc., were to be removed, were provided for, and it was stated that all contingent work was to be

included in the price per cubic yard bid for grading. In the blank provided for the purpose, opposite these requirements, the contractor wrote his bid of \$2.62 per cubic yard.

It is quite clear that, having provided these requirements that all the contingent work be furnished without extra charge, the City has not the right to add to the amount of such contingent or appurtenant work without compensating the contractor therefor.

As to the alteration in the quantity of the work to be done at the unit price per cubic yard, if the contract stood alone, there would be no objection to the City's making this change, since the \$8,000 limitation in the contract does not require that work to that amount shall be done, and the running price of \$2.62 per cubic yard would apply to any quantity of grading actually performed; but the bid was based upon an estimate and plan showing quantities, and the contractor may well claim that he should not be required to do the contingent work at the unit price per cubic yard if the quantity of grading is materially reduced.

From the correspondence it would appear impracticable to make any amicable adjustment of this claim with the contractor. His claim of \$2,500 compensation for breach of the contract on the part of the City seems an excessive, if not an exorbitant one, upon a contract of this size.

In view of the peculiar circumstances of this case it remains for you to consider whether the interests of the City on the whole would be best served by abandoning the present contract and readvertising for new bids under the changed conditions. This may expose the City to a suit for damages, of which the measure would be the loss of any profits which the contractor could definitely show that he had been deprived of, and not any speculative or uncertain profits. If the changes in the quantities are such that they cannot be avoided, it would seem that this course is the only one open to the City, unless either an amicable adjustment of the matter may be made with the contractor, or unless the City is prepared to submit to the

apparently unreasonable exaction of the contractor. The original and second plan and estimates, which have been sent this Department for examination, are returned herewith.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 6, 1912.

*In re exchange of Twenty-third District Police Station for
807-813 New Market street.*

GEORGE D. PORTER, Esq.

Director, Department of Public Safety.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 5th inst., stating in effect that the Department of Public Safety has arranged with the Board of Education to exchange the Twenty-third District Police Station, situate on the south side of Jefferson street, west of Twentieth street, owned by the City, for premises 807-813 New Market street, the title to which is in the Board of Education—and requesting that, if such transfer would be legal, an ordinance be prepared authorizing it to be made.

Section 120 of the recent codification of the School Laws, of May 18, 1911, P. L. 314, provides that:

“From and after the beginning of the first school year following the approval of this Act, all the public school property in this Commonwealth, real, personal or mixed, now held, owned, or possessed by any school district, sub-school district or ward school district therein, or that may be held, owned, or possessed by any municipality, for the use of any school district or for school purposes, is hereby transferred and as-

signed to, and shall be owned by and vested in, the proper school district established by this Act within whose boundaries such property is situated, except as herein provided, subject to all the trusts, conditions, and liabilities legally applicable thereto."

It is seen from this provision that the title to school property is taken out of the City and vested in the School District of Philadelphia, and that the City and the School District, respectively, are strangers with relation to the ownership of property held by the other.

The Twenty-second Section of the Act of February 21, 1855, P. L. 269, provides that it shall be lawful for the City of Philadelphia to make public sale and conveyance of public halls, lots, and real estate vested in the said City; and this Act has long been thought to require that property owned by the City can be disposed of only at public sale, and in no other manner.

In reference to a proposed exchange of properties between the City and a private owner thereof, one of my predecessors, citing the above mentioned provision of the Act of 1855, expressed the following views:

"In accordance with the general maxim that the expression of one is the exclusion of others, the express right to sell at public sale excludes the right to sell at private sale, and the Act is to be interpreted as if it said that the City may sell at public sale and in no other manner. So far as I am aware, this has been the practical interpretation of this statute at all times; and where it seemed desirable to sell at private sale, express authority to sell by private sale was procured for the City by statute. An example of this is in the Act approved May 1, 1861, P. L. 432, authorizing the sale of the almshouse grounds by private or public sale.

"Furthermore, I am informed that this question has been before two of the title insurance companies recently in anticipation of the passage of this ordinance, and both of them have decided that they would not insure the title.

“In my opinion, the fact that the consideration of the sale is another lot of ground and not money is unimportant. The general policy of the law has been, with some exceptions, to require that all purchases and sales for the City should be open to public competition; the nature of the consideration received is not important.”

Opinion J. Howard Gendell, City Solicitor's Opinions, 1907, p. 134.

The interpretation of the Act as thus stated I believe to be the correct one and I am of opinion, therefore, that an ordinance directing the disposal of any real estate owned by the City otherwise than by a public sale thereof would not be valid.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 8, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 4th inst. stating that your attention has been called to the provisions of the Act of March 18, 1869, Section 5, P. L. 397 (Brown's City Digest, 425, par. 7), to the effect that contracts for street cleaning shall be paid by the City Treasurer in equal monthly payments, and that you are now withholding from the street cleaning contractors one-half of their regular payments during the first three months of the year, to be paid to them April 1st, if in the opinion of the Department the streets have resumed their normal appearance after the winter's interruption to the regular cleaning.

You also mention the resolution of Councils of February 12, 1873, page 47 (Brown's City Digest, 425, par. 8) providing that contracts for street cleaning shall require that the contractors, when the streets are so covered with snow as to interfere with the regular travel shall, in lieu of cleaning the streets, haul the snow from such of them as may be directed.

You further refer to the ordinance of July 1, 1879, page 117 (Brown's City Digest, 426, par. 12), which is to the effect that in all contracts for the collection of ashes between Vine and South streets and the Delaware and Schuylkill rivers, it shall be specifically stipulated that the contractors will be required to take up and remove the ashes between the hours of 10 P. M. and 6 A. M.

The questions you ask are:

Whether you would be justified in requiring the contractors to pay such proportion of the expense of snow removal as, in your opinion, represents the difference between the cost to them of street cleaning during a large part of the year and that to which they were put for the first three months of the year, which you say, up to the present date, has been between \$10,000 and \$15,000; or, to put the question in your own words: "In your opinion would I be warranted—specifications and previous practice to the contrary—in trying to collect this? My own feeling is we should not do it, but the law does not appear to be in favor of this contention, and we will try and cover this matter in accordance with law in our specifications for 1913."

Your second question is: "Am I not correct in believing that the provision in the same law which designates the hours for the collection of ashes to be between 10 P. M. and 6 A. M. must be lived up to, notwithstanding that the specifications change the hours to be between 6 P. M. and 6 A. M.?"

You will note that both the resolution of February 12, 1873, and the ordinance of July 1, 1879, provide for the insertion in the contracts of the matter which is the subject of each respectively. I do not think that these re-

quirements should be construed as if they were a part of the contracts, when they have been omitted therefrom, and when bids have been invited and scheduled and the contracts awarded and executed by the parties on the basis of specifications in which the directions of Councils have not been included. I should interpret the resolution and ordinance as directions to the executive officials with respect to the preparation of the contracts and specifications, and when the provisions thereof do not appear therein, and the subjects which they concern are otherwise dealt with, these requirements should not be held to be binding upon the contractors.

I think, therefore, you would not be justified under the contracts for 1912 in trying to collect the cost of the removal of snow from the contractors as against the specifications of the contracts, or in changing the hours for the collection of the ashes from those stipulated.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 11, 1912.

In re contract between City and Consolidated Dressed Beef Co. for the supply of beef to Almshouse.

HERMAN LOEB, Esq.,
Director, Department of Supplies,
City Hall, Philadelphia.

DEAR SIR:—Answering your inquiry of this date as to the rights of the City with reference to the contract between it and the Consolidated Dressed Beef Company, for the supply of beef for use at the Almshouse, it appears that for a number of days from March 2d considerable quantities of beef supplied by the contractor

have been rejected as not being of suitable quality, and that the contractor has omitted or refused to supply other beef in lieu thereof.

The contract provides as follows:

“The said party of the second part further agrees that in case any of said beef shall be rejected by the said Director as unsuitable or unfit, such beef shall be at once removed by the said party of the second part, and other beef of proper quality, and fully up to the requirements of this contract, furnished in place thereof to the satisfaction of the said Director, and at the cost and expense of the said party of the second part. In case the said party of the second part shall neglect or refuse to furnish and deliver the said beef or any part thereof, of the quality, at the times, in the places, or in the quantities required by the terms of this contract; or to furnish suitable beef in place of any which may be rejected as unsuitable as aforesaid, then, and in any such case, it shall be lawful for the said Director, and he is hereby authorized and empowered, to either purchase beef of the quality required by this contract, in the open market, at the then current prices, of such party or parties as he shall select, and in such quantities as may be required to fulfill the terms of this contract, at the cost and expense of the said party of the second part, and to deduct from any sums then due to said party of the second part the difference between the price thus paid in open market and the price named in this contract, and to re-advertise all the beef herein contracted for. And the said party of the second part hereby agrees to be responsible for and pay the difference between the price at which it herein contracts to furnish said beef and the price which may be paid upon such re-advertisement, together with all the costs of such re-advertisement.”

Under the foregoing language of the contract, I would advise you that you have the right either to purchase in

the open market such quantities of beef as may be rejected by you and which the contractor refuses to replace with beef of proper quality, deducting the sum paid therefor from the moneys due under the contract; or, you may annul the contract and re-advertise for bids for so much of the beef as may be further required. In either event, and to avoid the possible complication of a difference in the grade and quality of the beef purchased by you or re-advertised for, and that which the contractor agreed to furnish, the effort should be made to secure Philadelphia dressed beef, which was the subject of the contract (schedule on file in the office of the City Controller), but if this cannot be secured, then I think you would be justified in resorting to the purchase of beef dressed elsewhere.

I would further suggest that before taking either of the above indicated courses, you notify the surety of the contractor (the American Bonding Company of Baltimore) of your intention in the matter, and that the contractor and itself will be held responsible for any difference between the price paid and the contract price, in accordance with the terms of the agreement.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 11, 1912.

In re constitutionality of Act June 7, 1911—construction of plumbing, house-drainage and cesspools.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your inquiry as to the constitutionality of the Act of June 7, 1911, P. L. 680,

providing for the examination, etc., of plumbers and prescribing rules, regulations and requirements for the construction of plumbing, house-drainage and cesspools in cities of the first class.

I find the Act is quite an extensive one, covering seventy-two sections and eighteen pages of the printed laws for 1911, and from your communication it is impossible to say from what point of view the constitutionality of the statute is attacked. I would advise you to proceed in accordance with the directions of the Act, leaving the question of its constitutionality to be settled in the courts when the attempt to enforce its provisions is challenged—if it ever shall be.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 14, 1912.

*In re payment of moneys by U. G. I. for Bureau of Gas
and by P. R. T. for repairs to railway streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your inquiry of the 11th inst., with regard to the legal status of the annual payment of ten thousand (10,000) dollars to the City by the United Gas Improvement Company and of the annual sum of five hundred thousand (500,000) dollars paid by the Philadelphia Rapid Transit Company.

The ten thousand dollar payment of the United Gas Improvement Company, of which you speak, is provided for by Clause 11 of the contract directed by ordinance of November 27, 1897 (page 242), which provides in substance that for the settlement of disputes arising be-

tween consumers and the Gas Company as to the amount of gas for which bills have been rendered, the Company agrees to furnish convenient places on the leased property for the inspection of its gas meters, and where upon complaint of any consumer the City Inspector of Gas may examine and test the meters, the Inspector of Meters and his assistants to be appointed by the Mayor, and the Gas Company further agreeing that it will annually pay to the City of Philadelphia the sum of ten thousand dollars "towards paying the salaries and expenses of the Inspector of Meters and his assistants after the same shall be appointed in pursuance of this clause, and also toward defraying the expense which the City may be put to in relation to the tests of gas made in pursuance of Clause 9 of this lease."

I do not think that the annual payment so made is ear-marked in such manner that it must be used by the City exclusively for the payment of the salaries and expenses of the Inspector of Meters and his assistants, and I am therefore of the opinion that it would be within the power of Councils to use only a part of the money so paid for the purposes of the Bureau of Gas if they so desired, making any disposition they saw fit of the balance of such sum, and the assent of the officers of the Gas Company to this expenditure of money, which you say could readily be obtained, I do not think would be necessary.

However, aside directly from the question propounded to me and which I have answered, do you not think it wise to spend this money in its entirety for the purpose for which it was intended? I do not believe that the people of Philadelphia are aware of the fact that the exactions of the U. G. I. Co. can be corrected or that there is any appeal from the demands of the Company. I need not say to you that the consumers of gas are most numerous and the bills as rendered by the meters must be paid. Anyone who has had a practical experience with the officers of the Company knows that the stand is taken by the Company that the meters are correct. I do not think the people of Philadelphia are aware that there is a body

which, if it were appointed by Mayor Blankenburg, would be disinterested, to which appeal could be made in case of dispute.

I would respectfully suggest that instead of diminishing this fund or applying it to any other purpose, that it be used to the fullest and that the Board be so constituted that it would be active and zealous in protecting the rights not only of the Company but of the consumers of gas, and that notice be given to the general public that there is such a body in existence that can remedy wrongs where the same exist.

As to the payment of five hundred thousand (500,000) dollars per annum by the Philadelphia Rapid Transit Company—this is provided for by Section 10 of the contract between that Company and the City authorized by ordinance of July 1, 1907 (page 161), and is a commutation of the sums theretofore payable by the Transit Company and its subordinate corporations for license fees, paving, repaving and repairs of streets occupied by its tracks, and all obligations of the Company with respect to the removal of snow from the streets. There is nothing in the ordinance or contract which requires that the sum so paid shall be set apart for any particular use. The fund is to be paid into the City Treasury and is subject to the disposition of Councils for any purposes whatever. It is true that by ordinance of October 29, 1907, this money has been set apart for the paving, repaving and repair of streets occupied by the Philadelphia Rapid Transit Company, but this direction could, of course, be changed at any time by the action of Councils.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 15, 1912.

Application of money from sale of waste material, Electrical Bureau.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of March 13th, quoting from a communication to yourself from the Chief of the Electrical Bureau to the effect that that Bureau is selling through the Department of Supplies scrap material which has collected for some years, and that the Chief of the Bureau is advised that the money collected therefrom is not applicable to the expenses of the Bureau and does not go to the credit of the Department of Public Safety, but to the Department of Supplies. He further suggests that since the Electrical Bureau has been charged with the cost of this material, it ought likewise to be credited with the proceeds, or at any rate, such sums should inure to the benefit of the Department.

The ordinance of April 3, 1909 (p. 59), provides that "the Director of the Department of Supplies is authorized and directed to advertise for proposals for the disposal of all old waste, condemned or discarded material of any kind, of the various Departments of the City of Philadelphia, and which, in the opinion of the Directors of said Departments, is useless to the City, and to enter into contracts for the sale of the same to the highest responsible bidder therefor; all moneys received therefrom to be turned in to the Receiver of Taxes as miscellaneous receipts."

You will see from the above that the money received in this manner finds its way into the City Treasury and is at the disposal of Councils for appropriation generally,

not being credited to any particular Department or Bureau or inuring to the benefit thereof.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 15, 1912.

WILLIAM H. CONNELL, Esq.,

Chief, Bureau of Highways and Street Cleaning,
City Hall, Philadelphia.

DEAR SIR:—Permit me to acknowledge the receipt of a communication from your Department, under date of February 2d, in relation to the question of the right of your Department to issue six car licenses to the Philadelphia Railways Company for the year 1912.

As I understand the matter, the facts upon which you request my opinion are not in dispute between your Department and the Philadelphia Railways Company. They are, briefly, as follows:

The Philadelphia Railways Company is a corporation organized and existing under the Act of April 8, 1861 (P. L. 259), and its supplements. Its incorporators were the purchasers at a foreclosure sale of the property, rights, privileges and franchises of the Southwestern Street Railway Company. This latter Company owned and operated a street railway in the City of Philadelphia, having been properly incorporated for that purpose and having secured the consent of the Councils of the City of Philadelphia to exercise its franchise in said City. The purchasers of the Southwestern Street Railway Company became, by the Act of 1861, a corporation vested with all the rights, privileges and franchises of that Company. The terms of the Act of 1861 and its supplements were strictly complied with by the purchasers at the foreclosure sale, and

the Philadelphia Railways Company, which is the name of the Company so organized under that Act and its supplements, has received a certified copy of the certificate which it filed at Harrisburg, which copy is evidence of the corporate existence of the new corporation, and has further filed its acceptance of the Constitution of 1874.

The Philadelphia Railways Company has therefore succeeded to all the rights, privileges and franchises of the Southwestern Street Railway Company. Among those privileges is the consent of the Councils of the City of Philadelphia to operate a street railway in this City. The only question which arises, therefore, is whether the consent which the City gave to the Southwestern Street Railway Company is such a privilege or franchise as passes to the Philadelphia Railways Company, within the meaning of the Act of 1861. That the Philadelphia Railways Company is a lawfully organized and existing company is, I believe, undoubted.

Comm. vs. Central Pass. Ry., 52 Pa. 506;

Rice's Appeal, 79 Pa. 168;

Gas, Etc., Co. vs. Downingtown Boro., 175 Pa. 341;

Gas & Water Co. vs. Downingtown Boro., 193 Pa. 255;

Goodbread vs. Turnpike Co., 13 Super. Ct., 82;

Lycoming Gas & Water Co. vs. Moyer, 11 W. N. C. 443.

The case of *Conshohocken Boro. vs. Conshohocken Railway Company* (206 Pa. 75) decided that the lessee of a company which has secured the consent of the Borough to operate a railway within its limits acquires by virtue of its lease all the rights of the lessor held against the Borough.

I am, therefore, of the opinion that the Philadelphia Railways Company acquired, among the other privileges and franchises of the Southwestern Street Railway Company, the right which the latter had to operate within the

City of Philadelphia, under the ordinance of Councils which gave the City's consent to that Company to operate within its limits.

The Philadelphia Railways Company has filed, I am informed, with the Director of the Department of Public Works, in accordance with the ordinances of May 16, 1896, and June 23, 1897, its acceptance of the terms of those ordinances, and is entitled to have issued to it the six car licenses for the year 1912 which it demands. Of course, those licenses must be issued in the name of the succeeding Company and not in the name of the Company whose rights, privileges and franchises it purchased, for that Company no longer exists, since it has been merged in the Philadelphia Railways Company by operation of the Act of 1861 and its supplements.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 15, 1912.

In re maintenance of cathead at 958 and 960 N. Ninth street.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,
City Hall, Philadelphia.

DEAR SIR:—In reply to your communication of the 14th inst., enclosing a letter from Morris L. Cooke, Director of the Department of Public Works, and photographs—all relating to the maintenance of a cathead at 958 and 960 N. Ninth street—permit me to say that the advice given you by Director Cooke, to wit, “this is a case which we think should be settled in the Courts by the Cudahy Packing Company and the Adams Foundry

Company," is most excellent and should be followed by you.

I have declined to act, though requested by counsel for the Philadelphia and Reading Railway Company and by the private counsel for the Cudahy Company, and I do not know who has requested you to take the matter up. At any rate, a bill in equity is pending between the Adams Company and the Cudahy Company, in Court of Common Pleas No. 4, and that Court will determine the relative rights of the parties; and I join in the Director's advice to you to let it alone, for to do otherwise may involve the City in consequential damages and enable this abutting owner as well as others to make claims against the City, which, in the opinion of our Road Bureau, cannot now be maintained.

I return Director Cooke's letter as well as the photographs.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT. .

Philadelphia, March 18, 1912.

In re collection of garbage by private persons.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am receipt of your letter of March 14th inquiring whether the opinion of this Department of February 10th, with regard to restraining private collectors of garbage, is affected by the Supreme Court decisions to which you referred under date of March 8th.

I assume that the decisions to which reference is made by you are *Reduction Co. vs. Sanitary Works*, 199 U. S. 306, and *Gardner vs. Michigan*, Id. 325. These cases

relate generally to questions of constitutional right and do not affect the decisions of the Superior Court of Pennsylvania *vs. Lyster*, 3 Superior Ct., page 475, of which mention was made in the opinion of this Department of February 10th. Perhaps the purport of that opinion may in some degree have been misapprehended. The case referred to (*Phila. vs. Lyster*) decided that the ordinance of December 14, 1894, page 451, making it unlawful for persons other than contractors with the City to collect kitchen offal or garbage, was valid, and that the proper procedure was to sue for the penalty prescribed by that ordinance. Further, that if such penalty were insufficient, it rested with Councils to provide an adequate one, but that a Court of Equity would not interfere to restrain by injunction the collection of garbage, which is not necessarily a nuisance *per se*, remitting to the City the procedure under such ordinances as had been or might be passed to prevent the continuance of the practice. Trusting that this will make the matter clear, I remain,

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 20, 1912.

In re wood blocks for repaving Arch street.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of March 19th, stating that the McNichol Paving and Construction Co., to which was awarded the contract for repaving Arch street, in an affidavit filed with its bid, stated that the blocks were to be obtained from the Barber As-

phalt Paving Co., at Maurer, N. J., and in view of this fact that it might be construed as illegal for that company to supply blocks manufactured by the United States Wood Preserving Co., at Norfolk, Va. You inquire as to the legality of this change.

I think that the information required to be furnished with the bid, in so far as it concerns the name of the manufacturer of the blocks and the location of his plant, is for the use of your Department in making its investigations as to the merits of the blocks to be furnished, and that it would not be illegal to accept blocks manufactured elsewhere if they correspond to the sample furnished and are in all respects in compliance with the specifications, provided that a good and adequate reason exists for consenting to the change.

As requested, the papers accompanying your letter are herewith returned.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 21, 1912.

In re new constitutional amendment authorizing borrowing of money for subways.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am in receipt of your inquiries with respect to the new constitutional amendment authorizing the borrowing of money for subways, etc.

That amendment adds to the provisions of Art. IX, Section 8, of the Constitution, which, in brief, prohibited the debt of municipalities, etc., from exceeding seven per

cent. upon the assessed value of the taxable property therein, and the increase of their indebtedness to an amount exceeding two per centum upon the assessed valuation of property without the assent of the electors, the following:

“Except that any debt or debts hereinafter incurred by the City and County of Philadelphia for the construction and development of subways for transit purposes, or for the construction of wharves and docks, or the reclamation of land to be used in the construction of a system of wharves and docks, as public improvements, owned or to be owned by said City and County of Philadelphia, and which shall yield to the City and County of Philadelphia current net revenue in excess of the interest on said debt or debts and of the annual installments necessary for the cancellation of said debt or debts, may be excluded in ascertaining the power of the City and County of Philadelphia to become otherwise indebted: *Provided*, That a sinking fund for their cancellation shall be established and maintained.”

Your first question is:

“Does the word ‘development’ in connection with subways, or does anything else in the amendment, give authority to incur debt for the construction of elevated extensions of subways?”

There is nothing relating to elevated railroads in this amendment, unless the word “development” may be supposed to extend to elevated railroads. That word is used in connection with the phrase “for the construction of subways for transit purposes.” I think “development” is here employed almost synonymously with the word “construction,” or as an extension thereof, and in my judgment the building of a system which would consist in part of a subway and in part of elevated roads or branches, would not be justified by the word “development” as it

appears in this amendment; at least, I think it exceedingly doubtful whether the Courts would so construe the language in question.

Your second query reads as follows:

“Is the contract of an individual or corporation to lease property and pay rental ‘current net revenue’ within the meaning of the amendment?”

Rental received by the City for the use of a subway would be current revenue within the meaning of the amendment, and if this revenue were not subject to any charge or deduction and should reach the City Treasury unimpaired, I think it would be current net revenue.

Question three:

“If the ‘debt incurred’ is in the form of thirty-year bonds, must the contract of rental be for a like period; or may the City exempt the bonds on the faith of a five or ten-year contract and take chances for the remaining twenty or twenty-five years?”

In order to come within the exemption of the amendment, the subway or other improvement must “yield to the City and County of Philadelphia current net revenue in excess of the interest on said debt or debts and of the annual installments necessary for the cancellation of said debt or debts.” If the borrowing of the money would otherwise carry the City beyond the constitutional limitation of its indebtedness, the yielding of current net revenue in excess of the interest and annual installments of the debt so incurred would seem to be a condition precedent to the issuance of the loan, and I do not believe that upon bonds maturing in thirty years this condition would be complied with by “a five or ten year contract,” and taking chances for the remaining twenty or twenty-five years, as this would not constitute an adequate assurance that the subway would yield net revenue in excess of the interest and principal of the debt. This answer should, perhaps, be qualified by the statement that it would depend upon the amount of the rental. I assume,

however, that by "a five or ten year contract" you mean a contract of rental in an amount only or about large enough to pay the interest and the installments of the principal for the five or ten years covered by the lease.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 21, 1912.

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council.

DEAR SIR:—I send you herewith for presentation to Select and Common Councils, and in obedience to their resolution "requesting the City Solicitor to report to Councils what action can be taken to expedite the removal of railroad tracks at grade from Oregon avenue, in the Twenty-sixth, Thirty-sixth and Thirty-ninth Wards," the enclosed opinion.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 21, 1912.

To the Select and Common Councils
of the City of Philadelphia.

GENTLEMEN:—I am in receipt of a copy of your resolution "that the City Solicitor be requested to advise Select and Common Councils under the ordinance granting permission to the Railroad Company to lay rails on

Oregon avenue, as well as recent general decisions of the higher courts of the land defining the power of municipalities to abolish railroad crossings at grade, what action can be taken to clear, at least, Oregon avenue of such menaces and handicaps?"

The railroad thus referred to is the branch line of the Schuylkill River East Side Railroad Company, a corporation incorporated in 1883 under the general Railroad Act of April 4, 1868, and its supplements, with authority to construct and operate a railroad "from a point near the intersection of Twentieth and Pennsylvania avenue, in the Fifteenth Ward of the City of Philadelphia, to a point in the Twenty-seventh Ward of the City of Philadelphia near the intersection of Fifty-third street and Bartram avenue," and to construct branches from its main line as provided in said statute.

The act of Assembly under which said company is incorporated provides that no corporation formed thereunder shall have authority "to enter upon and occupy any street, lane, or alley in any incorporated city of this Commonwealth without consent of such city having been first obtained."

In the early part of the year 1884 the company having located its main line and having acquired some right of way, undertook to build its road, crossing at grade certain streets and highways of the City of Philadelphia, including Grays Ferry road and Thirty-fourth street, without having obtained the consent of the Municipal authorities. The City on March 21, 1884, filed its bill in equity against the Railroad Company, averring that such crossing of the public highways at grade "would be a public nuisance, in that it would endanger the lives of persons using said public highways, and obstruct, interfere with and delay travel thereon," and praying for an injunction "to prevent the Schuylkill River East Side Railroad Company, their officers, employes or agents, from entering upon or occupying Grays Ferry Road or Thirty-fourth street or any other street, lane or alley of the City of Philadelphia, or any part thereof, for any purpose whatever, or from laying their tracks or erecting any other obstructions thereon."

The principal point urged by the company was that Municipal consent to the use of the streets was required only where there was to be a longitudinal occupancy of the highway by the railroad.

The proceeding mentioned was commenced in the Court of Common Pleas No. 2 of this County, to March term, 1884, No. 357. It was referred to a Master, who in December, 1884, reported in favor of the City and recommended that the relief prayed for should be granted.

Subsequently the Councils of Philadelphia passed an ordinance approved July 3, 1885 (Ordinances of 1885, pages 179-185), reciting that the Schuylkill River East Side Railroad Company had made "such changes in the location of its main line of railroad within the City of Philadelphia as will enable it to avoid the grade crossing of the Grays Ferry road and the Philadelphia, Wilmington and Baltimore Railroad in the Thirtieth Ward of this City" and that "all the causes of dispute which have arisen between the said Railroad Company and the City of Philadelphia will thus be removed." It was also recited that the company had located a branch line of railroad in the First and Twenty-sixth Wards "extending from the main line of its railroad at a point near Thirty-sixth street and Dickinson street to the Delaware river." Consent is therein given to the construction of the main line, and in Section 7 thereof, for the purpose of constructing its said branch railroad, the Company is "authorized to occupy longitudinally" a number of projected streets as laid down on the plan of the City, in the then First and Twenty-sixth Wards—among them "Oregon avenue, from Twenty-third street to the Delaware river" and "to enter upon and occupy, by way of crossing only, any and all streets, lanes and alleys over, upon or under which it may be necessary for the said branch line of railroad to pass, by the way of its route as aforesaid, between its beginning at or near Thirty-sixth and Dickinson streets and its terminus on the Delaware river," and by said ordinance the City Solicitor was directed to discontinue of record the above mentioned proceeding which had been brought by the City against the Railroad Company in the Court of Common Pleas No. 2.

After the passage of this ordinance the Supreme Court held that this branch line of railroad was one which the Company had lawful authority to build, and in the matter of a bill filed by a citizen as complainant, the Court refused to restrain its construction.

Vollmer's Appeal, 115 Pa. 166.

Thereafter the Supreme Court also held (Penna. R. R. Co.'s Appeal, 116 Pa. 55-84), affirming the findings of a master and the decree of Court of Common Pleas No. 4 of this County, that under the provisions of the Act of June 19, 1871, Sec. 2 (P. L. 1360), the said branch line might be carried at grade across the railroad of the Pennsylvania Railroad Company, the Court saying:

"The policy of the law to discourage steam railroads from crossing each other on the same grade is distinctly ruled in *Pittsburgh and Connellsville Railroad Co. vs. Southwest Pennsylvania Railway Co.*, 77 Penna. St. 173, and in *Northern Central Railway Co.'s appeal*, 103 Idem 621. As, however, crossing at grade is not absolutely prohibited, each case must be determined on its own merits.

"In the present case the Master found *inter alia* that the proposed crossing is essentially necessary for the successful and profitable operation of the appellee's road and does not seriously injure the appellant, although it does somewhat impede the movement of the latter's trains. He further found that it is not reasonably practicable to avoid crossing the road of the appellant at grade at the points specified, *and that the municipal authorities of the City of Philadelphia have consented to the proposed plan of construction, thereby recognizing that it is not unduly dangerous to the public safety. This finding was confirmed by the Court below.*

An examination of the evidence fails to convict the Master of error in his conclusions. In view of the fact that the crossings are in an outlying portion of the City and where through passenger trains are not likely to be moved, we discover no sufficient cause

for prohibiting a crossing at grade. The decree imposes on the appellee the duty of erecting and maintaining suitable signal apparatus for each of the crossings, and otherwise appears to provide for due care in guarding and protecting against injury at the crossings.

Decree affirmed and appeal dismissed at the costs of the appellant."

The longitudinal occupancy of Oregon avenue by the railroad thus authorized is from Twenty-third street to the Delaware river, crossing at grade more than a score of public streets, opened or projected, including Broad street. The ordinance of 1885 provides (Section 7) that if such change shall be made by the municipal authorities in the grade of Broad street, at its intersection with the railroad, as will enable Broad street to be carried over and above or under the railroad, the Railroad Company shall be at the entire cost of constructing the bridge upon the line of Broad street over said railroad, and of the approaches thereto, or of constructing a bridge to carry the railroad over Broad street, and shall indemnify the City against all loss and liability in consequence of the claims of property owners upon Broad street for such change of grade, as well as pay all the expenses of the revision of the grade.

It is also provided (Sect. 7) "that when the growth of improvements shall require bringing the streets along which the said branch railroad may be laid to the present confirmed grade of the City the said Railroad Company shall, at its expense, raise or depress its tracks to conform to the said grades wherever and whenever it shall be notified so to do by the ordinance of City Councils," and (Sect. 7) that the company "shall agree to keep its railroad, or all its structures crossing or occupying in any manner any of the streets aforesaid, in good order and condition at all times, and to save the City of Philadelphia harmless, as far as the said City may be liable therefor, from any liability or responsibility whatever which may grow out of the establishment and use of the

said railroad over, upon and under the streets as aforesaid."

Apart from these provisions there is not in the ordinance any express reservation of authority in the City, or any qualification of the privileges granted to the Railroad Company.

I am informed that an ordinance providing for a change of grade of Broad street at Oregon avenue was passed by Councils, but that the same was subsequently repealed, so that the Railroad Company has not been called upon for a compliance with the above recited stipulations of the ordinance of 1885 relative to that thoroughfare.

After the passage of the ordinance of 1885, and after the decisions of the Supreme Court in the two cases above mentioned (Vollmer's Appeal and Pennsylvania Railroad Company's Appeal), and undoubtedly upon the faith of the same, the Schuylkill River East Side Railroad Company built the railroad now complained of.

It has been built about twenty-five years. During the period which has intervened the locality has greatly changed. The streets spoken of in the ordinance as "projected," have been opened as public highways. The population of the neighborhood has increased, a large number of new dwelling houses have been erected, many new places of business have been established, and in that vicinity, as is recited in your resolution, "the City is investing millions of dollars in a Plaza Boulevard and Park."

These improvements have attracted, and will continue to draw, thousands of pedestrians to a locality which was but little frequented at the time the railroad was built.

The desire of the public is that the railroad tracks shall now be removed from the surface of Oregon avenue, and the question submitted is: "What action can be taken to secure this result?"

This involves a consideration of the rights, both of the public and of the Railroad Company, as well as of the power of the municipality in the premises.

In the case of *St. Paul, Minneapolis and Manitoba R. R. Co. vs. State of Minnesota*, ex rel. City of Minneapolis, 214 U. S. 497 (1909), the Supreme Court of the United States affirmed the judgment of the Supreme Court of Minnesota, reported in Vol. 101 Minnesota State Reports, page 546, wherein, although a municipal ordinance provided that in the opening of new streets the City should construct and maintain at municipal expense the safety crossings, bridges and approaches at the intersection of such streets with the railroad, it was held that the City could, in such cases, require the Railroad Company, at its own expense, to construct and maintain a new bridge across its tracks, it being said that the contract contained in the ordinance was void, as an attempted restraint upon the police power.

The Supreme Court of the United States in affirming the judgment followed its decision in the preceding case of *Northern Pacific R. R. Co. vs. Duluth*, 208 U. S. 583 (1907), wherein it was said:

"The right to exercise the police power is a continuing one that cannot be limited or contracted away by the State or its municipality, nor can it be destroyed by compromise, as it is immaterial upon what consideration the attempted contract is based. * * * The exercise of the police power in the interest of public health and safety is to be maintained unhampered by contracts in private interests, and uncompensated obedience to an ordinance passed in its exercise is not violative of property rights protected by the Federal Constitution."

In a later case—*Cincinnati, Indianapolis and Western R. Co. vs. Connersville*, 218 U. S. 336 (1910)—the same Court said, per Mr. Justice Harlan:

"A railway corporation accepts its franchise from the State, subject to the condition that it will conform, at its own expense, to any regulations, not arbitrary in their character, as to the opening or use of streets which are reasonable and proper, and have

for their object public safety and convenience, and which may from time to time be established by the municipality within whose limits the company operates, proceeding under legislative authority."

These decisions seem to have awakened some comment and discussion, and they are doubtless the "decisions of the higher Courts of the land" to which, in your resolution, you refer.

The cases cited, however, establish no new or novel principle in the law. We do not have to go abroad for such doctrine. We find in our own State ample, by way of legal authority, in full accord with the principles thus enunciated by the Supreme Court of the United States. In Section 3 of Article XVI of the Constitution of Pennsylvania it is said: "The exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State."

In *Erie City vs. Erie Electric Motor Co.*, 24 Penna. Sup. Ct. 77 (1903), Judge Orlady said: "The State cannot bargain away its right to exercise at all times its police power, nor can a municipality, to which is delegated the State's police power over streets and highways, enter into any contract by which the free exercise of the power granted can be abridged, limited or destroyed."

More than half a century ago, in *Western Savings Fund Society vs. City of Philadelphia*, 31 Penna. St. Reps. 175, Chief Justice Lowrie said that in the exercise of the police power a municipality "can defeat the title of its own grantee when it becomes necessary to do so in order to abate a nuisance or preserve the public health * * * it rests upon the ground that a corporation acting for the benefit of others has no power to enter into a contract which will prevent it from performing its public duties. Every right derived from it is held subject to the restriction that it shall be so exercised as not to injure others. Upon this principle, if the gas works should become a nuisance, affecting the health and comfort of

the neighborhood, the City Councils, notwithstanding their own lease of the ground, would have the right to direct the removal of the works to a place where they would be less injurious to the public."

And, more recently, in *Scranton Gas Co. vs. Scranton City*, 214 Penna. 586 (1906), speaking for the Supreme Court of Pennsylvania, Mr. Justice Stewart said:

"What was done here was not done in a supreme exigency to avoid an impending danger, but was a permanent improvement deliberately entered upon, with a view to promote the general convenience of the public and their safety as well, in connection with a railroad crossing which had long been established, and which, so far as could be known, was to remain there indefinitely, as an obstruction to travel, and an increasing source of public danger. * * * So far as the property rights are concerned, there is but slight correspondence between the easement enjoyed by appellant company in the streets of the city, and the rights of the abutting owners in their several properties. The distinction between the two is too obvious for discussion. It is enough to say with respect to the former, that it is held and enjoyed subject always to the earlier and superior rights of the public in the streets of the municipality. Among these is the power to regulate and control the streets in the interest of public health and safety. When these demand a change in the mode and manner of the enjoyment of the easement or privilege, and that demand is expressed through the municipal authority in the exercise of reasonable discretion, that change must be made. Calling the legislative grant of privileges to use the streets a contract does not avoid the conditions on which the privilege is to be exercised. Whether such limitation or condition be expressed in the grant or not is immaterial, for, as said in *Butcher's Slaughter House Co. vs. Crescent City Live Stock Landing Co.*, 111 U. S. 746, the power to control and regulate the streets so as to protect the pub-

lie health, is one that cannot be bargained away by legislative or municipal grant. The power to control them for the protection of public safety, if not the same, stands on equally high ground. All authorities agree that such right is both paramount and inalienable * * * It is the reasonable discretion of the municipal authorities that determines the extent of the change in the streets required to meet public necessities; and to that change, whatever it may be, short of an abrogation or annulment of the company's right to maintain its system of pipes in the public streets, the company must conform at its own cost and expense. The former results from the inherent right of the municipality to the exercise of police power, and the latter from the subordinated rights of the gas company in the public streets and its original grant of privilege, to those of the public."

The wisdom of and necessity for getting rid of railroad crossings at grade has for years been recognized both by the Legislature and the Courts of Pennsylvania.

By Act of June 1871 (P. L. 1360), Section 2, it was provided that in legal proceedings relative to crossings of lines of railroad by other railroads, "it shall be the duty of Courts of Equity of this Commonwealth to ascertain and define by their decree the mode of crossing * * * and if in the judgment of such Court it is reasonably practicable to avoid a grade crossing, they shall by their process *prevent* a crossing at grade."

By Act of June 9, 1874 (P. L. 282), Section 1, it was provided that the proper authorities of any county, city, town or township of this State are authorized and empowered to enter into contracts with railroad companies whose roads enter their limits, whereby the companies may relocate, change or elevate their railroads in such manner as, in the judgment of such authorities, may be best adapted to secure the safety of lives and property and promote the interest of said county, city, town or township."

An Act of Assembly, approved June 7, 1901 (P. L.

531), provides that, excepting as therein stipulated for, "all crossings hereafter established, whether of highways by railroads or of railroads by highways, shall, except in cities of the first and second classes, be above or below the grade thereof."

In *Pittsburg, etc., S. W. R. R. Co. vs R. R. Co.*, 77 Pa. 173-186 (1874), Mr. Justice Mercur in applying the provisions of the Act of 1871 to a company incorporated prior thereto said: "As our population becomes more dense, travel and traffic will increase and the injuries resulting from grade crossings will be multiplied. Each succeeding year will increase the necessity for avoiding them. Their *construction should now and henceforth be discouraged.*"

In *Perry County R. R., etc. vs. Newport, etc., R. R. Co.*, 150 Pa. 193-199 (1892), Justice Paxson said: "*The time for grade crossings in this State has passed. They ought not to be permitted except in case of imperious necessity.* They admittedly involve great danger to life and property."

This language is repeated with approving comment by Justice Sterrett in *Penna. R. R. Co. vs Electric Co.*, 152 Penna., at p. 126 (1893).

In *Brooke et al. vs. Philadelphia*, 162 Penna. 134 (1894), the Supreme Court, through Mr. Justice Dean, said:

"The avoidance of grade crossings is not only desirable, but, with the growth of the City in business and population, may be considered absolutely necessary. The maimings and deaths incident to grade crossings, the records of this court show, are increasing every year; a densely populated City bisected by a steam railroad at grade suffers a serious interruption through travel on its streets, permits within its limits a constant menace to life and limb. Under such circumstances it is the City's duty to rid itself of such an obstacle to its growth and of a danger always imminent. It has the unquestioned power to do so if there be no legal rights on the part of the Railroad Company interfered with; if there be

such right, then it has the power to make terms with the corporation by which the corporation waives its right."

In Elliott on Railroads at Sec. 1109 it is said: "The modern policy in reference to the construction of railways or highways is to avoid grade crossings wherever it is possible to do so. It is a valid exercise of the police power of the Legislature to require railway companies to construct crossings other than at grade. And the Legislature may even compel the company, after the construction of its line, to change grade crossings, so as to make the tracks pass above or below the highways."

It is said in Tiedeman on Police Power at Sec. 194:

"It is a judicial question whether a particular regulation is a reasonable exercise of police power. The public necessity of the exercise of the police power in any case is a matter addressed to the discretion of the Legislature, but whether a given regulation is a reasonable restriction upon personal rights is a judicial question * * * * But the reasonableness or unreasonableness of a police regulation is subject to variation with a change of circumstances, and in the character of the subject of the regulation."

In the light of the legislative and judicial expressions above quoted, I am of opinion that if the facts show that the railroad tracks as now laid and used upon Oregon avenue have, with the changed conditions, become a deadly menace, unduly imperiling human life, the City Councils in the performance of the absolute duty incumbent upon the municipality to keep the public highways safe for travel, and in the exercise of the police power delegated to the City, can by an appropriate ordinance compel the Railroad Company, at its own expense, to do any and all reasonable things to remove such dangerous conditions, requiring, if necessary, the tracks on Oregon avenue to be elevated or to be carried below grade. If, because of the new conditions which have arisen, such a change is imperatively demanded to properly safeguard human life, such an ordinance would be upheld as a rea-

sonable regulation under the police power. This would not destroy the corporate rights of the company, nor deprive it of its easement granted under ordinance permitting it to occupy Oregon avenue. There would be merely a regulation as to the manner in which such rights shall be exercised and such easement be enjoyed, so as not to jeopardize the safety of the public by unduly imperiling the lives of citizens.

If, however, the conditions as existing do not make the railroad tracks as laid out and used an actual and positive menace to human life, and therefore a highly dangerous nuisance—if complaint is confined to the unsightliness and the general annoyances of a railroad with its structures upon an important public highway, interfering with the material growth and development of the neighborhood; or if the purpose be to secure from the Railroad Company a complete abandonment of its easement in Oregon avenue and a complete relinquishment thereof so that it shall no longer occupy that thoroughfare either at grade or above or below grade, then the matter presents another aspect.

The company in laying its tracks acted within its charter rights, duly exercised in accordance with the law. It acted not only upon the faith of the ordinance of 1885, but upon the faith of the decision of the Supreme Court of the State in the two cases—Vollmer's Appeal and Pennsylvania R. R. Co.'s Appeal—in both of which the questions of the company's rights, powers and privileges were directly involved.

The railroad was then recognized as and adjudged to be a lawful thing, which in its plan of construction, as was said by the Supreme Court, the municipal authorities had recognized as "not unduly dangerous to the public safety." Unless it has since become unduly dangerous and a menace, the company cannot by arbitrary action be deprived of its rights, or be subjected to unnecessary burdens, and recognizing the charter rights of the company and the contractual privileges acquired by it under the ordinance of 1885, the City could only negotiate with the company and make such arrangements and

terms as may be equitable to secure a relocation of the line of railroad and the removal of the tracks from Oregon avenue.

Such a course is expressly provided for by the Act of 1874 above referred to, and even without such statute, it would be authorized under the principle of law expressed in *Brooke vs. Philadelphia* above quoted.

In either aspect of the case, the railroad tracks should be removed from Oregon avenue, and every public consideration demands that they should be removed speedily. With respect to this, the Railroad Company should not act unreasonably. It is to be remembered that the Railroad Company acquired its easement under the ordinance of 1885 with the full knowledge that it was to make use of a projected public highway, and to cross at grade numerous other projected public streets. It knew that in the course of time these streets and highways would be opened, that the population of the neighborhood would increase that the character of the locality would alter with the growth and development of that section of the City, that whatever rights it acquired were subject to the duty of the City to keep its streets and highways safe for the public and subject to the right of the municipality to exercise the police power in making every needful regulation to maintain such safety.

If the conditions warranting such exercise of the police power as has been referred to have not yet arisen, it can be but a short time when they will arise and when the company may be required to elevate or depress its tracks at its own expense, and it would seem the part of wisdom for it to make at this time some equitable arrangement with the City for the removal of the tracks and for Councils to authorize such arrangement to be carried out.

I am informed that under a prior administration some conferences were held with the officials of the company looking to the desired change in the location of the railroad tracks. For some reason nothing resulted from the same.

I suggest that Councils authorize the Mayor and the Chief of the Bureau of Surveys to again take up the sub-

ject with the proper officials of the Railroad Company, directing that a report be made to Councils within a limited time—say within three months—as to what terms by way of an amicable arrangement with the Railroad Company can be agreed upon to secure the removal of the railroad tracks from Oregon avenue. This will doubtless lead to the desired result, in the securing of which I will be pleased to lend every aid and effort of this Department.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 22, 1912.

Convention Hall insurance.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your favor of the 20th inst., wherein you say, “in the contract for the Convention Hall it is stated that the insurance during the construction period is to be borne by the contractor,” and following this, a few lines below, it states that “the expense is to be paid by the City,” and asking, “does the fact that it is first stated that this insurance shall be borne by the contractor legally warrant our forcing him to bear the expense?”

In this case, the seeming conflicting language referred to does not occur in the contract proper, which was prepared in this Department, but it occurs in the specifications which were prepared by the architect, and which came to this Department after the award of the contract, and therefore too late to be modified. The language is as follows:

"The contractor assumes all risks, bears all losses against fires, accident and damage during the progress of the work until its completion and final acceptance. He must make good all damage to this and adjoining properties, streets, and pavements; he is to assume all blame or loss occasioned by neglect or violations of the City or State ordinances, laws and regulations, and everything necessary to conform with these laws and regulations and the requirements of the different Bureaus and Departments are to be included as a part of this contract.

"The whole of the work is held at the contractor's risk until the building is finished and accepted.

"Fire insurance will be carried by the owner; in the event of loss by fire such loss will be apportioned as the interest of the contractor and owner appear."

Where it is possible to reconcile the provisions of a contract the rule is to so do. The language above quoted would indicate that insurance is to be carried by both the contractor and the City.

The equitable arrangement under the circumstances would be to divide the expense of such insurance as may be decided upon. The contractor should not hesitate to pay one-half of the bill, and under the language of the specifications, such payment could be enforced. As the whole amount of the insurance premium involved, however, is but three hundred dollars, a small sum when compared with the risk of loss in case of fire, it would seem to be a subject about which no controversy should arise, so that if an amicable adjustment cannot be made with the contractor, I would advise that the City pay the entire bill for insurance rather than incur such risk of loss from fire.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 22, 1912.

*In re payment to pension fund of fines imposed upon
policemen and firemen.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,
City Hall, Philadelphia.

DEAR SIR:—In reply to your oral inquiry whether the fines imposed upon policemen and firemen may be devoted to the Pension Fund of those employees of the City in place of being retained in the City Treasury, I am of opinion that this could not be done by executive action alone. The fines of which you speak are provided for by the Act of June 1, 1885 (Bullitt Bill), which gives to the Court of Trial in certain cases the right to authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties "to be stopped from pay." Nothing is said as to the disposition of the fines and pecuniary penalties so inflicted, but as they are to be deducted or stopped from the pay, they would ordinarily remain in the City Treasury.

In the case of *Commonwealth vs. Walton*, 182 Pa. 373, it was decided that Councils had the right to make a reasonable appropriation to the corporation organized to create a fund to pension its members who are policemen, such appropriation being strictly a municipal one and therefore not in violation of Section 7, Article IX, of the Constitution.

If Council should by ordinance direct the payment of the fines to the Police Pension Fund, this would in effect be an appropriation to that fund, and as such appropriation its validity would be established by the decision referred to.

I am therefore of opinion that Councils would have the right to direct that the said fines be paid to the Phila-

delphia Police Pension Fund Association for the purposes of the Pension Fund.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 25, 1912.

In re wood blocks for repaving Arch street.

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 21st inst., enclosing a communication of the same date to yourself from the Chief of the Bureau of Highways and Street Cleaning, relative to the opinion of this Department, heretofore rendered, with respect to the furnishing of wood blocks for repaving Arch street.

As already stated, I am of opinion that the clause requiring bidders to designate the locality from which they proposed to obtain the blocks was for the purpose of facilitating an investigation of the plant, etc., before the award of the contract. Thereafter, if it is deemed proper in the discretion of your Department, to permit blocks to be furnished from some other locality, which blocks conform in all respects to the specifications and to the sample which the contractor deposited, I do not think it would be objectionable to do so, but, as you will readily understand, I cannot determine what reasons would be deemed adequate by yourself or the Chief of the Bureau in assenting to such a change.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, March 25, 1912.**In re bills, pay rolls, warrants—Department of Public Safety.*

WILLIAM J. MILLIGAN, ESQ.,
Chief Clerk, Select Council,

DEAR SIR:—I am in receipt of your request of the 22d inst. for an opinion as to the validity of a proposed ordinance authorizing the Assistant Director of the Department of Public Safety to sign and approve of pay rolls, bills and warrants submitted by the various Bureaus connected with that Department, and directing the City Controller to accept and pass such bills, pay rolls and warrants.

Article 6 of the Bullitt Bill provides that no money shall be drawn from the City Treasury except by due process of law, or upon warrants on the Treasurer, signed by the Head of the appropriate Department and countersigned by the Controller, which shall state the consideration of the same and the particular fund or appropriation to which the same is chargeable.

The requirement that warrants shall be signed by the Head of the appropriate Department contained in the above excerpt from the statute is mandatory, and until this direction shall be modified by Act of Assembly, Councils have not the power to dispense with it. I therefore think that the ordinance which is the subject of the inquiry would not be valid.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 25, 1912.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 22d inst., stating that your Department having advertised for bids for the erection of a connecting corridor at the Philadelphia Hospital for Contagious Diseases, received but one bid, which was for \$10,986; that a former contract, awarded December 28, 1911, for the erection of a public ward building and a connecting corridor was at a cheaper rate than the corridor then included in the contract, and that the more recent bidder being sent for, explained that this was due to the fact that the corridor he was bidding upon contained iron staircases, which were not included in those which were the subject of the first bid, and agreeing to reduce the price of his bid about ten per cent.

You ask if the contract could be awarded at the reduced price in view of there being but one bidder.

The requirement of the Act of 1874 that municipal contracts shall be awarded to the lowest responsible bidder has been interpreted as forbidding negotiations after a bid has been received to induce a bidder to modify his proposal. This has been held, however, in cases where there are several bidders, or, at least, more than one, and the effect of the negotiations might therefore be to give a favored bidder an advantage over his competitors.

I do not think this doctrine should be carried so far as to prevent the City from obtaining the advantage of a reduced price when there is no other bid in question, and hence when favoritism or an attempt to evade the obligations of the statute cannot be imputed.

I therefore think that in the present instance you would not be forbidden to award a contract at the reduced price.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

Philadelphia, March 26, 1912.

LAW DEPARTMENT.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia,

MY DEAR SIR:—In reply to your letter of the 18th inst., enclosing to me the letter of Guernsey A. Hallowell, conveyancer and real estate agent, permit me to say that I referred the matter to the Solicitor of the Tax Lien Bureau of this Department and have received from him the following reply:

“Referring to the letter of Mr. Guernsey A. Hallowell, returned herewith, it is hardly necessary to say that the City is not engaged in the practice of reviving tax liens discharged by Sheriff sale and therefore of no value.

“Whenever a property is sold at judicial sale for more than sufficient to pay the costs thereof, the Law Department orders a search to be made by the Search Clerk in the office of the Receiver of Taxes for all bills for taxes unpaid on the property sold. All bills returned by the Search Clerk are presented to the Sheriff and collected from the funds in his hands insofar as the funds are sufficient to pay the same. No taxes are discharged unless the fund is sufficient to pay them.

“It, of course, happens in rare instances that the Search Clerk will make a mistake, even as title companies will, and fail to report a bill that should have been collected.

“Whether such errors are discovered, a careful examination is made, and if clearly discharged and uncollectible, the taxes are stricken from the books of the City and the lien therefor satisfied of record.

“The records of the Sheriff’s office only date from the year 1877. If the sale occurred prior thereto, the property owner is requested to furnish evidence proving the discharge.

"In doubtful cases, or in cases in which the complaining informant received from the Sheriff the money which should have been paid to the City for taxes, the property owner is referred to the Courts for remedy.

(Signed) "MAYNE R. LONGSTRETH."

I return to you Mr. Hallowell's letter and he ought to know, without bothering you, that this is a subject entirely for the Law Department.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 27, 1912.

In re construction of porches in front of apartment houses.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 23d inst., enclosing copy of a communication to yourself from the Chief of the Bureau of Building Inspection, relative to the right of that Bureau to make a regulation requiring that porches of more than one story in height erected in front of apartment houses shall be constructed of fire-proof material.

The Chief of the said Bureau recites a number of sections of various Acts with respect to the construction of cornices, frame sheds, bathrooms and bay windows, but none of those seem to apply specifically to porches.

The Act of May 5, 1899, and the various additions and supplements thereto contain minute directions with regard to the construction of buildings, going into the subject in great detail, but I do not find therein any pro-

vision authorizing the Bureau of Building Inspection to add to the requirements of those statutes, and it is open to doubt whether the directions above referred to concerning cornices, frame sheds and bathrooms can be construed to be applied to porches.

In Section 6 of the Act of 1899 it is provided that

“The Chief of the Bureau of Building Inspection or any inspector of said Bureau under the direction of the Chief, shall have authority to order any change from the application or plans and specifications on file in the office of the Bureau. Should it be found, upon inspection, that there are conditions which make such change necessary, notice of such change shall be given in writing to the owner or his agent, or to the contractor in charge of the work: *Provided*, That no such changes shall be made except to conform to the provisions of this Act.”

While the foregoing provision cannot, in my judgment, be deemed a sufficient authority for the Bureau of Building Inspection to lay down a general direction with respect to matters not provided for by the Act, yet if in individual instances the construction of such porches or any other matter embodied in the plans and specifications reveal what, in the opinion of the Bureau of Building Inspection, is a source of unusual danger, that Bureau would have authority to order such changes as would eliminate the dangerous feature of such plans or specifications.

If the construction of porches in the manner concerning which the Chief of the Bureau complains involves any great or especial danger from fire, an amendment to the Act of Assembly should be prepared for presentation to the next Legislature, thus removing all question in the matter.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 27, 1912.

*In re right of Building Inspection Chief to serve as
Secretary of Codification Committee.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of this date inquiring as to the right of the Chief of the Bureau of Building Inspection to serve as Secretary of a Committee to codify the building laws of the State, appointed by the Governor, at a salary to be fixed by the Committee.

The ordinance appropriating funds for the maintenance of the Bureau of Building Inspection for the current year provides that "the Chief Inspector shall give his entire time and undivided attention to the duties of his office." As this ordinance stands, it would seem to prevent the appointment of the Chief Inspector as the Secretary of the Committee.

You ask further whether it would be wise to ask Councils to rescind their action and state that "it is highly important that someone connected with this City's government should have something to do with the codification of the laws relative to building operations, as this City stands in the forefront regarding these affairs." I concur in your views that the City should be represented by some competent person on this Committee as Secretary or otherwise. Whether the Chief Inspector should be chosen for that position involves a question of administrative detail pertaining to your Department concerning which I should feel some diffidence in venturing an opinion. If it is intended to request Councils to so provide that the Chief Inspector may serve, I would suggest that an ordinance giving the necessary permission of Councils, rather than one rescinding the general direction that the Chief In-

spector give his entire time and attention to the duties of his office, be prepared for presentation to those bodies.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 28, 1912.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by you, stating that the Philadelphia Rapid Transit Company, lessee of the Union Passenger Railway Company, has submitted an application for approval of plan showing proposed location of curves and tracks on Huntingdon street, from Thirty-fourth street to Ridge avenue, such approval being asked for under authority of the Act of Assembly approved November 22, 1873, P. L. 1874 (Appendix 1873), 444, and inquiring whether under authority of that statute the Board of Surveyors is authorized to approve the plan without specific authority from Councils.

The Act in question provides:

“That in addition to the powers heretofore granted to the Union Passenger Railway Company of Philadelphia, they shall have the following powers and authorities: To extend their routes and lay tracks on Ellsworth street from Twenty-second street to Twenty-fifth street, on Twenty-fifth street from Ellsworth street to Christian street, on Christian street from Twenty-fifth street to Twenty-second street, on Seventh street from Oxford street to Columbia avenue, on Jefferson street from Seventh street to Thirty-first street, all in the City of Philadelphia,

and on such other street or streets south of Christian street, west of Twentieth street, north of Columbia avenue and east of Third street, as the Councils of the City of Philadelphia may, from time to time, permit or authorize to be used by said Company with single or double tracks."

It will be seen from the foregoing that specific authority is given to the Union Passenger Railway Company to extend its routes and lay tracks on certain designated streets. As to other localities the like authority is given only upon such streets "as the Councils of the City of Philadelphia may, from time to time, permit or authorize to be used by said Company with single or double tracks."

The location concerning which this application is made is within the latter class, and therefore, unless Councils have by some general or specific ordinance or resolution given the necessary permission, the Company has not the right to occupy those streets with its tracks, and the application for approval of plan for that purpose should not be approved.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 29, 1912.

In re automatic locking device on passenger elevators.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I have received your letter of March 27th, enclosing copy of one to yourself from Mr. John T.

Clarke of New York, who inquires whether the Act of May 30, 1895 (P. L. 129), in relation to safety devices upon passenger elevators is still in force, or whether it is repealed by the Act of May 28, 1907 (P. L. 297).

The former Act provides in substance that all elevators for the carriage of passengers are required to have placed thereon or attached thereto such automatic locking devices, electrical or mechanical, as will hold immovable and secure the carriage used in such elevator, while any gate, door, or doors at the landing that is used for entrance thereto or exit therefrom is or are open and insecure—the said automatic device, electrical or mechanical, to place the power of controlling the elevator beyond the control of the attendant while any gate, door or doors on the landing leading to the carriage is open and insecure. Such devices are required to be placed on all passenger elevators within one year of the date of the Act and penalties are provided for failure therein.

The Act of May 28, 1907, authorizes cities to provide for a Bureau of Elevator Inspection to be attached to the Department of Public Safety in cities having such a Department. It further enacts that:

“Such cities may from time to time provide that every elevator or hoist which may be used in said city, the kind and character of materials that may be used therein or in any way, of the appliances attached thereto or connected therewith and the kind and character of safety devices required shall be subject to the approval of the Chief of the said Bureau.”

Other provisions with respect to the inspection of elevators, permits, reports, fees, certificates, qualification of operators, etc., and the fixing of penalties for the violation of the statute are included within its scope.

It will be observed that while the Act of 1895 relates to all passenger elevators within the State, the Act of 1907 is limited to the various cities of the Commonwealth. For this reason and also because there is no necessary repugnance between the two Acts and no repealing clause

in the later one, I am of opinion that the Act of 1907 does not by implication work a repeal of the Act of 1895.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 29, 1912.

*Proposed purchase upon ground rent of land for
Parkway.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—At your request I have given careful consideration to the letter addressed to you by a prominent and respected citizen of this City, suggesting that the land required in the construction of the Parkway be purchased by the City under ground rent sales, and wherein he says:

“Ground rents have long been used in this City and State in selling property. They can be of great value in such a contingency as that existing in regard to acquiring the necessary land for the Parkway. All the lands necessary for the entire route can be purchased without paying a dollar of consideration for them and without increasing the indebtedness of the City or obliging it to enter into any obligation beyond the annual rental of the property fixed at the time of the purchase. At any time that it may suit the convenience of the City to relieve itself of these rents it can do so by paying the amount called the extinguishment money in the ground rent deed, which will be the value of the land when purchased or condemned, but at no time can the City be called upon to pay this sum, often incorrectly de-

scribed as the 'principal of the ground rent.' The rental should not in any event exceed four and one-half per cent. upon the value of the property when taken, and probably four per cent. will be a sufficient rate.

"If property to the value of \$10,000,000 be taken, the annual liability of the City will be a rental of from \$400,000 to \$450,000. If any person whose property is taken objects to receiving such a ground rent in settlement for his land, there will be no difficulty in obtaining an agreement from the large trust companies and other institutions to take any of the ground rents not desired by the land owners, to whom cash can then be paid."

In my opinion the transaction suggested could not be had without increasing the indebtedness of the City, and the plan proposed is not feasible.

The theory underlying the suggestion made is this:

A sale on ground rent differs from an ordinary sale because the consideration is not a gross sum paid or secured, but is an annual sum the payment of which is reserved out of the land. This reserved interest is called a ground rent. In law it is deemed an estate of an incorporeal nature. In the ground rent deed is contained a covenant providing that upon the payment to the owner of the rent by the owner of the land of a certain sum properly called "extinguishment money," representing the sum total of all the annual payments, the rent shall be extinguished. This covenant is an irrevocable proposition by the owner of the rent that his estate may be merged in the fee of the land on performance of the condition proposed, namely, the payment by the owner of the land at his option of a certain gross sum, whether it be called "extinguishment money" or principal.

Under this theory it is assumed that the "extinguishment money" is not a debt, and that the annual payments of rent become debts only when and as they accrue.

The fallacy lies in giving to the words "debt" and "indebtedness" a narrow technical meaning, thus disregard-

ing the rule which requires us in construing the Constitution of the State to give the broader meaning to the words, and to interpret them in accordance with their general and popular acceptance.

In speaking for the Supreme Court upon the subject of the constitutional provision limiting the debt of municipalities, Chief Justice Mitchell, in *Keller vs. Scranton*, 200 Pa. St. Reps., p. 130, said:

"The Constitution is to be understood, *prima facie* at least, as using words in their general and popular sense, unless they are clearly technical in their nature. While the word 'debt' has a technical use of somewhat more limited signification than its common meaning, yet it is not naturally or usually a technical word. And it is to be noted that the Constitution uses in immediate and synonymous connection the word 'indebtedness,' which is of wider and even less technical significance. On this point the purpose and intent of the constitutional provision are conclusive. It is part of the open history of the times that many municipalities in haste to get the advantages enjoyed by older and wealthier communities entered recklessly into all kinds of projects under the name of public improvements, and in a few years found themselves, like heirs to an estate burdened with post obits at ruinous rates, on or beyond the verge of bankruptcy. At the time of the framing of the Constitution the subject was fresh in the public mind, notably in the case of county and city bonds in aid of railroads, etc., in the Western States, as found in the reports of the Supreme Court of the United States. Pennsylvania was not without its own experience two generations ago in the default of interest, notably atoned for in the dark days of depreciated currency, during the Civil War, by the payment of all its obligations in gold, even though not specified in the bond. The constitutional provision is intended as a restraint on this spendthrift tendency, to curb the extravagance of municipal expenditure on credit, to prevent municipalities from

loading the future with obligations to pay for things the present desires but cannot justly afford, and, in short, to establish the principle that beyond the defined limits they must pay as they go. No limit is fixed to expenditure for which present means of payment are provided (Erie's Appeal, 91 Pa. 398), but a peremptory prohibition is put on expenditure on credit beyond the prescribed bounds. Debt and indebtedness in the section in question are not used in any technical way, but in their broad general meaning of all contractual obligation to pay in the future for considerations received in the present."

In *Spilman vs. Parkersburg*, 35 West Va. Reps., 615, the Supreme Court of West Virginia, in construing a similar provision in the Constitution of that State, indicated that not the narrow technical meaning, but a broad and more comprehensive one was to be given to the word "debt," the Court saying:

"Section 8 of Article X of the West Virginia Constitution is evidently intended to cut up by the roots the power of the city to become improperly indebted, for it is aimed against all such debts, no matter how they may be created or for what purposes. Blackstone (Vol. 3, page 154) says: 'The legal acceptance of debt is a sum of money due by certain and express agreement.' This is given in connection with his treatment of the action of debt.

"In the Constitution it means any debt created by contract, express or implied, any voluntary incurring of any liability to pay in any manner or for any purpose when the given limit of indebtedness has been reached. It may be a debt payable in the future, as well as one payable presently, one payable upon some contingency, such as the delivery of property, as well as for property already delivered.

"When the contingency happens, the debt becomes fixed; it exists. It only differs from an unqualified promise in the manner in which it is created. And, since the purpose of the debt is expressly excluded

from consideration, it can make no difference whether the debt be for necessary current expenses or for something else.

"I do not deem it necessary to review seriatim the many cases on the subject, but rather, with their help, make a careful analysis of our own constitutional provision on the point.

"What kind of indebtedness is prohibited? 'If a man have any more or less of meaning in the term he makes use of than another, he does not talk with him to the same point.' By the term 'indebtedness' as here used is meant the state of being by voluntary obligation, express or implied, under legal liability to pay in the present or at some future time for something already received, or for something yet to be furnished or rendered. This includes every kind of indebtedness, no matter in what manner created, or voluntarily brought about; or for what purpose, whether it be for municipal self-preservation or not; whether for pure air, pure water, good light, clean and convenient safe streets and sidewalks; whether it be payable now or hereafter, payable quarterly or annually, or at any date running on for thirty-four years; whether for current expenses, or fixed indefinite debts or charges; whether for personal property or real property, leasehold or freehold, it is none the less indebtedness, created in some manner, and for some purposes, and is within the purview and the bar of the Constitution."

In Simonton on Municipal Bonds it is said at Section 51:

"To prevent the incurring of large indebtedness of municipal corporations, and the hasty and often injudicious expenditure of public moneys, and to act as a check upon municipal extravagance, almost all of the States have been compelled to provide that municipalities shall not issue bonds or incur debts beyond a certain limit."

And at Section 64:

“The limitations which restrict municipal corporations in their power to contract debts are to be construed according to the terms of the Constitution or the statute having reference to existing facts, and any construction which would defeat their object should not be favored.”

An unextinguished ground rent, being an interest in the land diminishing its value to the tenant, has been considered in that sense an incumbrance, it being said, “a ground rent is emphatically a real incumbrance, and the contract of the tenant a collateral security.”

Torr’s Estate, 2 Rawle 250. And see:

Gans *vs.* Renshaw, 2 Penna. 37.

Muirhead *vs.* Clabby, 7 Phila. 345.

It has been said to be “a pecuniary burden” and that “the ligament between the tenant and the ground rent landlord is the reservation or covenant for payment.”

Phila. W. & B. R. R. Co. *vs.* Williams, 54 Penna. 103.

And in Shollenberger *vs.* Brinton, 52 Penna. 9, it has been held to be a debt within the meaning of the Legal Tender Act of Congress, Chief Justice Woodward saying (p. 40):

“But, it is said the principal sum mentioned in these ground rent deeds is not a debt within the meaning of the Act of Congress, because the ground rent tenant, though entitled to pay it, is not obliged ever to do so. The annual or semi-annual interest upon that principal he is bound by his covenant to pay, and when we speak of this as a ground rent, it is by common consent a debt. Our present question, however, has regard not to these periodical payments, but to the principal sum, and as to that, its technical classification is, undoubtedly, as a rent-service, which is an estate in land. But, though an estate, may it

not also be a debt within the purview of the Act of Congress? I suppose that Congress used that word debt in its largest, most comprehensive and popular sense, and that they meant by it every sum of money which one man was either obliged or entitled to pay, and which another had a legal right to receive.

"An estate in land may also be a debt. Where land is bought and sold by articles of agreement, both vendor and vendee have an estate, and yet the unpaid purchase money is a debt on the part of the vendee. True, there is a covenant that obliges him to pay, and in that part the analogy fails, but the point which the analogy illustrates is that purchase money is a debt, whilst at the same time it is the measure of an estate."

In the same case Judge Agnew said (pages 97-99):

"Money to be paid in extinguishment of a ground rent is said not to be a debt, upon two grounds: First, because the rent is real estate. Second, because the payment is optional and not binding. A statement of the first ground answers itself. The money is that which pays for the rent, the rent is that which is paid for, money is the price, rent is the estate. He who extinguishes it is he who pays, he who owns the estate is he who is paid.

"The ground rent deed is a simple transaction. The grantor sells the land for an annual sum, payable forever, but with an option to the purchaser to substitute, when he chooses, the payment of a sum agreed upon as a present equivalent of all the annual sums. This stipulated sum is the price which extinguishes the estate in the annual sums. It is as absurd to call silver dollars a ground rent, because they are paid to extinguish it, as it would be to call them pork or wheat, because they pay for those articles.

"The argument founded upon the option hinges upon the meaning of the word debt, which, it is said, is that of obligation—a liability which can be en-

forced. Before election there is no liability, and after it, it is said, there is none, because it cannot be converted into an obligation by the election of one of the parties without the consent of the other. For example: a man may execute his bond to me voluntarily, but unless I accept it he does not become my debtor.

"The fallacy of this statement is in supposing that the option is but the initiation of a new contract, which, like a proposition, needs acceptance to complete it; while, in fact, *it is an alternative mode of performance under an old one*. By the indenture, subscribed to by both parties, the covenant for extinguishment conferred on the grantee a right to pay the whole price at once, as a substitute for the rent, and at the same time bound the grantor to receive it. The payment which follows election is simply an act of performance by authorized substitution which the grantor cannot refuse. It is not a voluntary offer, but the exercise of a covenant right; and does not need the consent of the grantor to convert it into an obligation, for that consent is contained in the covenant which gives the right to pay in this substituted mode. When the grantee offers to pay the money, he, therefore, only tenders performance, as allowed in the covenant, upon his choice of payment. *The obligation arises in the pre-existing covenant*; and, by notice of his election, he becomes bound to pay, unless the grantor discharges him by a refusal to accept. But if the grantor refuse to accept, it is said the grantee is not bound to pay, and, therefore, it is no debt. The fallacy lies here: he is not bound, it is true, but it is not because there was no obligation, but because the grantor's refusal discharged it, if the grantor avails himself of the refusal. Here he does not avail himself of it, and the grantor cannot set up his own refusal in discharge of the pre-existing covenant. When notice of the election and readiness to pay is given, the grantee fixes the mode of performance,

and the subsequent tender is but an offer to pay according to the covenant. *The obligation, therefore, arises in the previous covenant which stamps the money with the character of a debt*, but in the alternative form of payment provided in the deed. The substituted form of payment is fixed by the election, and is recognized in the offer to pay on the one side, and the duty to accept on the other. In every sense of the word, within the meaning of the Act of Congress, the sum tendered is a debt. It arises in contract, it is the stipulated price of an estate, it is certain in amount, and it is recognized in the offer to pay and in the duty to receive.

“Take a familiar illustration—A note for \$100, payable in wheat or money, at the debtor’s option; and he elects to pay money. The payee could not compel him to pay money; but, clearly, the money offered is a debt, the obligation resting in the note which gave the election. The obligation may be satisfied in either way, for each is but a mode of performance, though which it will be rests in the option of the debtor. What difference in the nature of the obligation is there between such a note and another giving an option to pay an indefinite number of annual sums, or to pay a single sum as their equivalent? *The instrument originates the liability, while the election only defines the mode of performance.*

“It may be seen as a debt in another aspect. A sufficient tender of the principal sum suspends the rent; without an abandonment of the tender the rent cannot be recovered. What remains is manifestly a debt due for the extinguishment. The tender must be an act of performance, and not initiation of a new obligation, else it could not suspend the rent. Therefore, the contract ground rent deed is a contract for payment in two forms, the second at the option of the grantee. The election defines the form of payment, and the tender carries it into effect. *The debt is rooted in the deed, and the payment in the election.*”

In *City of Springfield vs. Edwards*, 84 Illinois Reports, 632, it is said:

“A debt, payable in the future, is, obviously, no less a debt than if payable presently; and a debt payable upon a contingency, as upon the happening of some event, such as the rendering of service or the delivery of property, etc., is some kind of a debt, and therefore within the prohibition. If a contract or undertaking contemplates, in any contingency, a liability to pay, when the contingency occurs the liability is absolute—the debt exists—and it differs from the present, unqualified promise to pay only in the manner by which the indebtedness was incurred.”

It is not said whether in the creation of the ground rent the City is to become the original covenantor, but I assume that would be the intention.

If a straw man were to be resorted to in the creation of the rent and the ground conveyed to the City subject to the rent thus created, there would seem to be practically no security for the payment unless there was a compliance with the Act of June 12, 1878 (P. L. 205). That statute provides:

“SECTION 1. That the grantee of real estate which is subject to ground rent * * * shall not be personally liable for the payment of such ground rent, * * * unless he shall, by an agreement in writing, have expressly assumed a personal liability therefor, or there shall be express words in the deed of conveyance stating that the grant is made on condition of the grantee assuming such personal liability: *Provided*, That the use of the words ‘under and subject to the payment of such ground rent, mortgage or other incumbrance,’ shall not alone be so construed as to make such grantee personally liable as aforesaid.

“SECT. 2. The right to enforce such personal liability shall not enure to any person other than

the person with whom such an agreement is made, nor shall such personal liability continue after the said grantee has bona fide parted with the encumbered property unless he shall have expressly assumed such continuing liability."

Even after a compliance with the statute, this subsequent covenant of the City would only enure to the benefit of "the person with whom such an agreement is made" and would not enure to the benefit of an assignee in the ownership of the ground rent.

This would serve to destroy the marketability of the ground rent. Limited in its effect as such covenant would be under the Act of Assembly, without it, and in the absence of an original covenant by the City in the deed of reservation, there would practically be no security for the rent.

The land to be thus acquired is to be forthwith opened as a public highway. Its dedication to such use at once vests the franchise to the surface in the Commonwealth and there could be no right of distress, or right of re-entry existent in favor of the ground rent landlord.

In *O'Connor vs. Pittsburg*, 18 Penna. 189 (1851), Chief Justice Gibson said:

"To the Commonwealth here, as to the King in England, belongs the franchise of every highway as a trustee for the public; and streets regulated and repaired by the authority of a municipal corporation are as much highways as are rivers, railroads, canals, or public roads laid out by the authority of the Quarter Sessions. In England a public road is called the King's highway; and though it is not usually called the Commonwealth's highway here, it is so in contemplation of law, for it exists only by force of the Commonwealth's authority. Every railroad, canal, turnpike or bridge company has its franchise by grant from the State, and consequently with its original qualities and immunities adhering to it. Every highway, toll or free, is licensed, constructed, and

regulated by the immediate or delegated action of the sovereign power; and in every Commonwealth the people in the aggregate constitute the sovereign. But it is the prerogative of a sovereign to be exempt from coercion by action; for jurisdiction implies superiority, and a sovereign can have no superior."

Under the decisions in *Workman vs. Mifflin*, 30 Penna. 362, and *Voegtly vs. Railroad Co.*, 2 Grant, 243, and upon the theory that the title to the ground itself and the legal seisin thereof would remain in the City subject only to the use of the same as a highway, the ground rent with the covenant for payment would continue, although Judge Willson in the case of *Twenty-fifth Street*, 18 Weekly Notes of Cases, 319, expresses the opinion that where a public highway occupies the entire ground, the ground rent is thereby extinguished.

The anomalous nature of a rent issuing out of ground used as a public highway, however, is apparent, and it is manifest that the security would rest only upon the City's covenant to pay.

Without regard to the gross sum, whether called principal money or extinguishment money of the ground rent, a contract or covenant providing for the annual payments, without limit, seems to be within the constitutional inhibition.

In *Booth vs. Weiss et al.*, 15 Philadelphia Reports, 159, Judge Mitchell said:

"We do not understand the Supreme Court to intimate, nor is it necessary for us now to consider whether the City Councils can make a contract for rent or other obligation to be paid out of the current revenue for future years in such manner as to *bind future Councils to raise and appropriate the money, and thus, in effect, increase a debt which their successors must pay.*"

And in *Brown vs. City of Corry*, 175 Penna. 538, it was held by our Supreme Court that the acquisition by

a municipal corporation of a plant for water supply, to be paid for by twenty annual installments out of the "current revenues and not otherwise," of the City, entailed an increase of its debt by the amount of such installments.

If we consider the gross sum, the "extinguishment money," which at its election the City is to pay in accordance with the covenant of the ground rent deed, we have the language of Judge Agnew in the case of *Shollenberger vs. Brinton* above cited: "It arises in contract; it is the stipulated price of an estate; it is certain in amount and is recognized in the offer to pay and in the duty to receive. * * * The instrument originates the liability while the election only defines the mode of performance. * * * The debt is rooted in the deed and the payment in the election."

In considering the provision of the Constitution of Colorado, limiting the power of municipalities to contract indebtedness, the Supreme Court of the United States, in the case of *Lake County vs. Rollins*, 130 U. S. Reports, 662 (p. 671), states the rule for construing the language of State constitutions, and points out the necessity for avoiding the fetters of technical distinctions, Mr. Justice Lamor saying:

"There is even stronger reason for adhering to this rule in the case of a constitution than in that of a statute, since the latter is passed by a deliberate body of small numbers, a large proportion of whose members are more or less conversant with the niceties of construction and discrimination and fuller opportunity exists for attention and revision of such a character, while constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption."

With this rule before us there is no difficulty in understanding what is meant by the provision upon the subject in the Constitution of our own State.

By whatever name we may call them, all pecuniary burdens resting upon public property in excess of current net revenues, whether payable presently or payable in the future, constitute public indebtedness within its meaning, and no scheme of finance however brilliant or well intentioned can override it.

All attempts to circumvent the provision are vicious in principle. If new and changed conditions warrant a widening of the powers of municipalities to increase their indebtedness, it is for the people and for them alone to so say by amending their State Constitution, but until it be amended, the organic law as made by them, and as it stands, is binding upon Legislatures, Courts and public officials alike, and is to be accordingly respected.

The question presented has thus been considered in detail and at length, because of the genuine sincerity and the seeming plausibility with which the suggested plan has been urged upon you.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 1, 1912.

ARTHUR R. H. MORROW, Esq.,

Secretary Committee on Finance,

DEAR SIR:—In reply to your letter of the 30th ult., requesting information in regard to the proposed "Ordinance to compensate the Girard Trust Company, J. Somers Smith and the Estate of J. Somers Smith for land taken on the west side of Wissahickon avenue, in the Twenty-

first ward." permit me to say that the facts are as follows:

By ordinance of April 4, 1902, Wissahickon avenue was ordered to be widened. The proper proceedings were had and the Jury of View reported that in the case of James S. Smith no damages should be awarded. The property as shown on the jury plan is assessed in the name of "James S. Smith," and notices were served on James S. Smith. If the wrong Smith was served, and the owners failed to receive proper notice, their remedy is at law, and I respectfully submit that Councils should not lend their aid to the payment of a sum of money which necessarily must be arbitrarily fixed and not in the manner provided by law for the assessment of road damages.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 2, 1912.

Ordinance to reimburse contractor for non-payment of assessment bills.

ARTHUR R. H. MORROW, Esq..

Secretary Committee on Finance,
Select and Common Councils.

DEAR SIR:—I acknowledge the receipt of your letter of the 30th ult., asking for the facts in the case of the construction of a sewer in Dorset street, from Anderson street to Stenton avenue, an ordinance being before your Committee to reimburse the contractor, David McMahon, and to secure the transmission of bills to the City Solicitor for collection.

By authority of the ordinance of December 21, 1908, the City of Philadelphia, on May 26, 1909, entered into

a contract with Samuel F. Graver, by the terms of which Graver undertook to construct a sewer in Dorset street, between Anderson street and Stenton avenue, in the Twenty-second Ward, for prices based upon units of work and materials, and with the provision that the aggregate amount to be paid should not exceed \$5,900; nor should the City of Philadelphia be liable for any amount in excess of the sum of \$3,500. The work was to have been completed in 120 days from the date of notice to begin work, but before completion Graver defaulted on the contract and abandoned the work on November 6, 1909.

After re-advertising, a new contract for the completion of this branch sewer was let on February 16, 1910, to David McMahon, who completed the sewer May 27, 1910.

The owner of the property on Dorset street was Frank Mauran, who on March 16, 1909, gave bond to the City in the sum of \$3,264, with the Fidelity and Deposit Company of Maryland as surety, to pay the assessment bills for the construction of said sewer in front of the properties on the said Dorset street. It seems that Mauran advanced about \$1,700 to Graver, the first contractor, to provide the labor and materials in the work of constructing this branch sewer on Dorset street, and received from Graver an assignment of the latter's interest in such assessment bills as should be issued to him upon the completion of the work. Owing to Graver's default, however, he never received these assessment bills, but the same were issued to the second contractor, McMahon, on the completion of the sewer, to the amount of \$2,663.05. Upon presenting these bills to the owner of the properties on Dorset street, namely, the aforesaid Frank Mauran, McMahon was informed that Mauran declined to honor them inasmuch as the latter had advanced the money as aforesaid to Graver for use in constructing the sewer. Thereupon McMahon filed eight liens against eight properties of Mauran on Dorset street, to C. P. No. 2, September Term, 1910, Nos. 4023-4230. An affidavit of defence was filed by Mauran setting forth two defences—(1) that the property was rural and therefore not subject to the

foot front rule assessment, and (2), his advances of money to the first contractor.

A replication was filed by McMahon, the use plaintiff, and the cases are now at issue, though none of them has been tried as yet. In the meantime, Mauran, through his counsel, has asked the City to pay him the amount of money he advanced to Graver, on the theory that the City received the benefit of this money in the work and materials put into the sewer before Graver defaulted. The City has not looked upon this claim with favor, asserting as an offset liquidated damages for delay in the completion of the contract due to Graver's default, and, furthermore, asserting that Mauran assumed the risk himself when he advanced the money to Graver.

It is under the circumstances above narrated at some length that the ordinance now before your Committee has been presented on behalf of the second contractor, McMahon, having for its purpose the relief of McMahon from further delay in getting the money due him for his work on the Dorset street sewer, and which he has been prevented from receiving because of Mauran's resisting payment of his assessment bills.

I respectfully suggest, however, that consideration of the ordinance be deferred, for it may be that action on the part of Councils will then be entirely unnecessary.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, April 3, 1912.**Eligibility of Herbert F. Mitchell as Chief Clerk, Civil Service Commission.*

PETER BOLGER, ESQ.,

Secretary, Civil Service Commission.

DEAR SIR:—I beg to acknowledge the receipt of your letter of April 2d, inquiring whether Mr. Herbert F. Mitchell, whom you have elected Chief Clerk and Office Manager of your Commission, is eligible to hold that position.

The facts which you have submitted to me are, briefly, as follows:

On February 26, 1912, Mr. Mitchell came to the City of Philadelphia with the intention of taking up a legal residence therein, and, in pursuance of that intention he did acquire a residence in that City at No. 5315 Walnut street, which he adopted as his permanent home and place of residence.

On February 27, 1912, he filed his application for the position of Chief Clerk and Office Manager of your Commission, and subsequently took and passed the examination given by the Commission for that position.

There is no law requiring that the Chief Clerk of the Civil Service Commission shall be a resident of the City of Philadelphia for any particular length of time prior to his filing an application for such employment. Rule I, however, of the rules of your Commission provide that "The Civil Service Commission will neither receive the application, register nor subsequently certify as eligible for appointment, any one who is not both a citizen of the United States and a resident of the City of Philadelphia."

This, it will be seen, merely requires that at the time of presenting his application the applicant must be a resident of the City.

Assuming the truth of the facts connected with the residence of Mr. Mitchell which I have already recited, I am of the opinion that he is qualified to hold the position to which your Commission desires to appoint him, so far as the question of his residence in the City of Philadelphia is concerned.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 3, 1912.

In re condemnation powers—Act June 8, 1907.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 2d inst., inquiring as to the proper interpretation of the powers of condemnation conferred upon your Department by Section 15 of the Act of June 8, 1907 (P. L. 493).

That part of the section in question, out of which your inquiry arises, is as follows:

“Whenever the director shall deem it expedient to erect, construct, extend, alter, or improve any public wharf, pier, or bulkhead, in said cities, and for the erection, construction, alteration, or improvement of such wharf, pier, or bulkhead, and the securing of sufficient dock room for the convenient use thereof, it shall become necessary to acquire lands, leaseholds, easements, and other property rights adjoining such wharf, pier, or bulkhead, for which no price can be agreed upon between the said director and the owner or owners thereof—then it shall be lawful for the said director, after the passage of an ordinance by the Councils of said cities authorizing such

entry and occupancy, to enter upon and occupy such property, adjoining such wharf, pier or bulkhead so to be erected, constructed, extended, altered, or improved, as may be required for the erection, construction, extension, alteration, or improvement and use of the same; and whenever the Director shall deem it expedient to acquire any wharf, pier, or bulkhead that shall not have been in regular and continuous operation, for the purpose of shipping, commerce and navigation, for twelve consecutive months, and for which no price can be agreed upon between the director and the owner or owners thereof, it shall be lawful for the said director, after the passage of an ordinance by the Councils of said cities authorizing such entry and occupancy, to enter upon and occupy such property."

I think the effect of this language is clearly that when it is deemed expedient to erect, construct, extend, alter or improve any public (City) wharf, pier or bulkhead, it becomes necessary to acquire lands, leaseholds, easements and other property rights *adjoining* such wharf, pier, or bulkhead for the erection, construction, alteration or improvement thereof, and where no price can be agreed upon, then after the passage of an ordinance authorizing the entry and occupancy of such property, etc., that step may be taken by your Department, and this irrespective of whether the property adjoining the City wharf, pier or bulkhead has or has not been in regular and continuous operation for the purpose of shipping, commerce and navigation for twelve consecutive months. But when it is deemed expedient to acquire any wharf, pier or bulkhead—that is to say, a wharf, pier or bulkhead which was not theretofore owned by the City—then the condition that it must not have been in regular and continuous operation for the preceding period of twelve months attaches, and in the latter case no condemnation is authorized except under that condition.

I am of opinion that the first part of the section could not be construed as giving a general power of condemna-

tion to your Department otherwise than as stated above, without regard to whether or not the property condemned had been in regular and continuous operation for the purpose of shipping, etc., for twelve months with any fair prospect of maintaining such a construction.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 3, 1912.

Trial of police officers by Police Court prior to determination of criminal proceedings against them.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—Your communication of the 28th ult., enclosing charges preferred against Lieutenant John J. Lynch, Street Sergeant Charles B. Chobert and John D. Sweeney, has been duly received.

The charges in question are conduct unbecoming officers, neglect of duty and inefficiency, and you inquire whether you would be warranted in ordering their trial at once, in view of the pending criminal proceedings against these officers, and if so, whether the specifications as prepared are proper and sufficient.

Article III, Section 1, of the Bullitt Bill requires the trial of policemen and firemen before they can be discharged, and provides that it shall be lawful for the Director to suspend from duty before trial any person charged as aforesaid until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after charge made.

The alleged offence out of which the charges arose occurred on November 1 and 2, 1909, in connection with

the election held on the latter date, and, according to the allegations made, consisted in a conspiracy to arrest and falsely imprison certain watchers and division workers of one of the political parties, in order to prevent the exercise of their functions at such election, followed by the actual arrest of those persons and their transfer to a station house in a remote part of the City.

On two occasions, to wit, December 15, 1911, and January 22, 1912, dates were set for the trial of these officers before the Police Court, and on each occasion some or all of them presented physicians' certificates of inability to attend such trial because of physical illness, and the trials were accordingly postponed. In the meantime they have been suspended by order of December 5, 1911, and also have been brought to trial in the Court of Quarter Sessions upon criminal charges arising out of the same matters. Upon these charges they were convicted on December 8, 1910, but upon appeal to the Superior Court the judgment of the Court of Quarter Sessions was reversed on March 1, 1912, and a new trial awarded. The grounds of the reversal were because of the admission of evidence held to be improper, and of errors contained in the charge to the jury. The President Judge of the Superior Court dissented from the opinion of his colleagues. The effect of this reversal is to leave the case as if it had never been tried, without any presumption as to the guilt or innocence of the accused officers except the usual presumption of innocence until guilt be proven, and whether or not they should be tried in the Police Court pending the new trial awarded upon the criminal charges is a matter of expediency depending largely upon your view of the urgency necessary to dispose of the matter in the interest of the public. Whether the accused be found guilty before the Police Court does not necessarily depend upon the final result of the trial in the criminal case. The requirements of the Bullitt Bill that the trial shall not be delayed for more than one month after charges made, would not, I think, preclude you from awaiting the verdict of the jury in the Quarter Sessions Court upon the second trial of the officers, especially in view of

the fact that dates have already twice been set for the trial in the Police Court which has been postponed at the instance of the defendants. The suspension of the officers will be with or without pay as the Police Court may determine, and in view of this fact it is, as already stated, within your province to decide whether or not considerations exist which would make it expedient to anticipate the finding of a jury by ordering the accused officers to trial before they can be tried again in the Court of Quarter Sessions.

With respect to the specifications heretofore prepared, they seem to me on the whole, to be adequate and sufficient, and I assume that they are in accordance with the established practice in such cases. If the trial is to be held at once, however, Specification 6 of the first charge, and Specification 1, which is the only one in the third charge, both of which recite the conviction of the accused officers, will have to be omitted, in view of the decision of the Superior Court.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 4, 1912.

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of this date, calling attention to the opinion rendered on Monday last, April 1, 1912, by the Court of Common Pleas No. 2, in the case of Smith, et al. *vs.* City of Philadelphia, John M. Walton, Controller, and Thomas Nihill, in which was decided the illegality of the action of the Civil Service Commission in subdividing the list of eligibles into thirty-

five separate lists, from one of which Thomas Nihill was certified for appointment, the Court in its opinion concluding:

“It follows that the certification of Nihill by the Civil Service Commission to the Director of Public Safety was an illegal act, and that the appointment of Nihill to the office of patrolman, by the Director, was in contravention of law. He is, therefore, not a patrolman of the City of Philadelphia, and is not entitled to receive a salary as such.”

In view of this decision you ask: (1) Whether the pay accruing prior to April 1, 1912, for police officers, appointed under the subdivision of lists, thus declared illegal, can lawfully be paid, and whether you would be justified in drawing warrants for such pay; and (2) whether it will be necessary for you to forthwith discharge from the police force some twelve hundred (1,200) patrolman, who have been appointed from said lists.

In reply to your first question, I advise that you will be justified in drawing the warrants for pay for such police officers for services rendered by them prior to April 1, 1912, the date of the Court's decree declaring illegal the action of the Civil Service Commission.

This is not the case of a *de facto* officer claiming salary or emoluments of an office to which a *de jure* officer also lays claim. It is simply the case of a number of police patrolmen appointed by the municipal authorities under a classification or division of eligibles by the Civil Service Commission, which, on April 1, 1912, for the first time was judicially determined to be illegal. Meanwhile these men had held the office under color of authority; they had performed all the duties relating thereto, and had earned the pay fixed by ordinance for such services.

In *Collier on Civil Service*, at page 40, citing *Chittenden vs. Wurster*, 152 N. Y. 345, it is said:

“Until the contrary appears, it must be assumed that the Commission, in making a classification of the civil service, acted conscientiously and upon its

best judgment. Such a classification is not void; it may be voidable, for the action is subject to review; but, until it is judicially determined that this classification is erroneous, it is a protection to the heads of departments and employees acting thereunder. If the appointments are made in accordance with the statute and with the classification as it then exists, since they can then be made in no other way, and the incumbents are until that time entitled to compensation, the appointments must be deemed valid until the proper classification is made";

and, citing O'Brien, *J.*, in *People ex rel. Terry vs. Keller*, 158 N. Y. 187, the same writer says (p. 40):

"A classification once made is good until it is set aside or modified by some judicial proceeding, and so long as it remains unchanged by the action of some judicial authority, it binds every one and protects every one acting under it or holding a place under it."

As to the payment of salary from and after April 1, 1912, and as to your course relative to the twelve hundred (1,200) patrolmen said to be affected by the decision, I write to say, that in my judgment you would not be warranted in forthwith discharging twelve hundred patrolmen from the police force. Such action would weaken the police protection of the City, would tend to demoralize the force, and would imperil citizens and property.

I therefore advise that you continue upon the force the men referred to, as in cases of emergency—for an emergency has arisen—and that you proceed to meet the requirements of the decision rendered by the Court in such way and manner that within a reasonably practicable time all appointments to the force shall be from eligible lists recognized by law as valid. Meanwhile, some of those now holding positions and affected by the ruling in question may properly qualify under examination. They are entitled to at least the opportunity so to do, and during the period that you are in good faith seek-

ing to carry out the law as laid down by the Court, Councils, by proper ordinance, upon your recommendation, can appropriate the money for the payment of salaries of the men accruing from April 1, 1912, the date of the Court's decision, the amounts so appropriated to be charged against the proper item for your Department for 1912.

The principle of law laid down by the Court in the Nihill case applies to all the lists since 1907 in which the sub-division into district lists has been made by the Civil Service Commission, and it also applies to firemen and hosemen as well as police patrolmen.

The opinion herein expressed by me relative to the payment of salaries and to the course to be pursued in refraining from a crippling of the public service applies to the Bureau of Fire as well as to the Bureau of Police.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 8, 1912.

T. S. MARTIN, Esq.,

Secretary of Park Commission.

DEAR SIR:—The following described premises were taken in condemnation proceedings, C. P. No. 5, M. T. 1911, No. 2395, by the City of Philadelphia for Cobbs Creek Park, for which settlement was made April 6, 1912:

“Tract of land in the Thirty-fourth Ward, Philadelphia: Beginning at a point in the middle of City avenue and the northeast side of Arch street; thence southeast along the northeast side of Arch street 453.157 feet; thence southwest 25.389 feet to a point in bed of Arch street; thence southeast 1,597.160 feet to a point in Woodbine avenue; thence southwest 664.730 feet; thence northwest

through the bed of Ashurst street 2,028.980 feet to the middle of City avenue; and thence along same northeast 498.635 feet to an angle, thence still along same northeast 238.107 feet to the beginning."

Under the terms of the ordinance of Select and Common Councils approved November 5, 1909, the said tract is placed under the control of the Commissioners of Fairmount Park.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 8, 1912.

*Completion of League Island Park and other public work,
formerly being done under supplemental contracts.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 4th instant, enclosing a copy of a communication addressed to the Director of Public Safety by Edwin H. Vare, under date of March 2, 1912, wherein the latter offers to act for the City of Philadelphia in completing the work connected with the League Island Park project, he to superintend the work, furnish all labor, including men and teams, and material to complete the Park as money becomes available, and to receive seven per cent. of the entire cost as compensation for the service.

You state that "there are a good many objections to this arrangement from an engineering standpoint," and that "of course it has some advantages," and you inquire as follows:

"I am anxious to know whether in your opinion it would be possible to work out any plan under

which this work could be done without a definite estimate of its cost beforehand, which would be legal. In other words, if the City is to do the work, and it is not on contract, would it be legal to delegate the employing and purchasing authority to some one else."

You inform me that Director Porter has asked you to act for him in the completion of the undertaking, and that therefore the inquiry is made by you.

The work at League Island Park was being done by Mr. Vare under a supplemental contract entered into without previous advertising and without competitive bidding. It was a contract of the character involved in the recent case of *Lewis vs. The City of Philadelphia*, decided March 18, 1912, wherein the Supreme Court in clear and emphatic language announced that such supplemental contracts are prohibited by the statutes and ordinances regulating municipal contracts and are therefore invalid, the Court in its opinion concluding: "The parties cannot evade the law in seeking the City's money by any such device."

It was also said, "The requisites of a valid municipal contract and the agreements forbidden by the statutes and ordinances applicable to the City of Philadelphia are pointed out in *Smith vs. Phila.*, 227 Penna. 423."

In that case the Supreme Court said:

"In awarding contracts, the officers of the City must comply strictly with the requirements of the statutes and ordinances. We have said this time and again for reasons which are apparent and which have been fully and frequently stated. Section 6 of the Act of May 23, 1874, P. L. 230, provides that all work and materials required by the City shall be furnished under contract with the lowest responsible bidder. The ordinance of December 26, 1882, enacted to carry the statute into effect, authorizes and directs the Departments to advertise for all work and materials required, and provides that the

contract shall be awarded to the lowest responsible bidder. The Bullitt Bill requires all contracts relating to City affairs to be in writing and executed by the proper officer. It further provides that every contract for public improvements shall be based upon an estimate of the whole cost, that no bid in excess of such estimate shall be accepted, and 'the liability of the City thereon shall be limited by the amounts which shall have been or may be from time to time appropriated for the same.' These statutory provisions, as held in *Hinkle vs. Phila.*, 214 Pa. 126, are mandatory and must be strictly complied with. They cannot be evaded or disregarded by the City or by its officials. The protection of the public as well as the rights of the contractor require their rigid enforcement."

I therefore advise that not only as to the League Island Park project, but as to the Fairhill high pressure fire service system, the Northeast Boulevard, the Queen Lane filter plant, and any other uncompleted public improvement where, until the suspension thereof, the work was being done under supplemental contracts, now stamped by the Supreme Court as illegal and invalid, it becomes the duty of the Department of Public Safety and of Public Works, respectively, when and as the necessary moneys become available, to promptly proceed in accordance with the statutes and ordinances as above recited, to estimate in each case upon the whole cost of the work, to advertise for bids for all the work and materials required, and to award the contracts for the completion of the work to the lowest responsible bidder.

No other course is tenable.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 9, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

MY DEAR SIR:—I am in receipt of your letter of this date enclosing a copy of a proposed advertisement entitled "Advance notice of bidding," and in reply to your question I advise that there will not be any violation of law in your publishing such a notice at this time.

I would suggest, however, that you omit the concluding words, "Will be glad to correspond with interested parties and to provide further information in advance of advertising final specifications," for the reason that hereafter some unsuccessful bidder might undertake from this to make the allegation that other bidders obtained "further" or other information than that which he had secured from the general notice to bidders.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, April 9, 1912.**In re fertilizer, seeds, etc., for Byberry City Farms.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities,
City Hall, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 8th inst., with respect to entering into a contract for fertilizer and seeds in the absence of an appropriation therefor.

I appreciate the considerations which you urge as requiring immediate action before the season for planting

passes away, but from your letter, the subject seems to have been presented to Councils, who have not made an appropriation as yet in accordance with your suggestion. In view of these circumstances I do not see how the matter can be considered an emergency, and as such a justification for you to enter into a contract without an appropriation, which is forbidden by statute.

You state that you are "assured by the Chairman of the Finance Committee of Councils that an appropriation more than covering this amount will be made at once." If you feel assured of this, you might in the meantime advertise for bids preparatory to entering into the contract when the appropriation shall be made.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 10, 1912.

ARTHUR R. H. MORROW, Esq.,

Secretary, Committee on Finance,
Room 496, City Hall.

DEAR SIR:—I duly received your letter of the 4th inst., asking for information concerning an ordinance now pending before the Finance Committee, which authorizes the settlement of claims for damages to real and personal property occasioned by a break in the water mains in Eva street, near Shawmont avenue, Roxborough, on November 28, 1911.

I can best comply with your request by enclosing herewith a copy of a letter addressed to me from the Chief of the Water Bureau, dated February 13, 1912.

It was suggested shortly after the break occurred, and in view of the uniform character of the injury done by the flood to the various properties, that the Water Bu-

reau could supervise the repair and restoration of the properties in case the owners, by a large majority, came to an understanding and agreement with the City on the subject.

A meeting of all the claimants was held in this office in January, 1912, and claims were formally presented. This information, together with what had already been sent in to the Chief of the Water Bureau, was made the basis of a thorough investigation by that Bureau into the character and merits of all the claims. When this investigation was completed, the Chief of the Water Bureau wrote me a letter under date of February 29, 1912, stating the amounts that in his judgment should be paid in full settlement of the various claims. I communicated this information to each claimant and eventually all of them consented to the proposed adjustment on substantially the terms indicated by the Bureau of Water. Whereupon the ordinance in question was drawn and introduced into Councils.

Any further information on the subject that you may desire I shall be glad to supply you with. The Chief of the Water Bureau and my Assistant, Mr. Glenn C. Mead, who has had the matter in charge, will be glad to appear before your Committee at any time that can be conveniently arranged.

Very respectfully yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 10, 1912.

HENRY F. WALTON, Esq.,

Prothonotary, Courts of Common Pleas.

DEAR SIR:—In reply to your request for an opinion upon your right to charge to the City the cost of filing and docketing bills in equity, recently filed by various can-

didates for nomination for the office of Ward Executive Committee, in the different division of the City of Philadelphia, against other candidates for the same positions, praying that the said Commissioners be restrained from printing the names of the defendants in the equity suits upon the official Republican ballots for the Primary election to be held on the thirteenth day of April, 1912. I beg to inform you that I do not believe such a charge can be lawfully made against the City.

Section 1 of the Act of May 1, 1907, as amended by the Act of May 5, 1911, prescribing the fees which you shall be entitled to charge, provides as follows: "Filing and docketing petitions for appointment of assessors, election officers and other petitions in relation to election, to be paid by the County, seventy-five cents."

I am of the opinion that the foregoing clause of the Act relates merely to the expenses of filing petitions for the appointment of election officers and other usual and regular petitions necessary for the conduct of an election. Petitions for the appointment of overseers, judges and placing of names of candidates, properly nominated, upon the ballot, would probably come within the provisions of this section of the Act, and their costs be properly chargeable to the County. But you will observe, in the first place, that the proceedings above referred to are not petitions filed in the ordinary course of the conduct of an election but are bills in equity, brought by private individuals whose names have been placed upon the Primary ballots of the Republican party as candidates for party offices, against their opponents for offices, to restrain said opponents from running in opposition to them. These are private quarrels, in which the only complaint of the plaintiffs is that they will suffer injury by reason of the printing of the name of their opponents on the ballot. It is true that the subject matter of the controversy is political and involves questions relating to elections, but the end sought by the complainants is a private one and does not relate to the necessary, regular and orderly conduct of elections. I am therefore of the

opinion that you would not be justified in charging against the City the costs of filing and docketing the bills in equity.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 10, 1912.

In re contract for purchasing seed and fertilizer—Byberry.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities,

DEAR SIR:—I have received your second letter in reference to the advisability of entering into a contract for the purchase of seed and fertilizer in the absence of an appropriation therefor.

In the case of *Bullitt vs. Philadelphia et al.*, 19 Dist. Rep. 1091, the Court, on page 1105, directs that the Prothonotary enter a decree enjoining the City, the Mayor, and the Heads of the various executive Departments, including yourself,

“from issuing warrants on the treasurer of the said city in payment of work or supplies of all kinds that have been or may hereafter be furnished to the said city by any person or persons whomsoever, under contracts entered into without due advertisement for bids on the subject matter thereof having first been made, as required by law, or without an appropriation of moneys sufficient to cover the contract price having been antecedently made by the councils of said city, and also from issuing such warrants in payment for work or supplies furnished to the said city in anticipation of the making by said councils of an appropriation to cover the cost thereof or of the

execution of a formal contract for the doing or furnishing of the same."

You will notice that the foregoing makes no exception with regard to emergencies. Circumstances may, however, arise owing to the sudden occurrence of some very great exigency which would reasonably induce the Head of a Department to take the responsibility of entering into a contract for the furnishing of work or material to the City in disobedience of the decree of the Court and of the statute requiring a proper appropriation. This should be done only under extraordinary circumstances, in cases where the necessity for such work or material could not be foreseen by Councils, and where the consequences resulting from the delay in awaiting the appropriation would be very serious.

In my judgment, it would seem that these conditions do not arise in connection with the matters to which your inquiry is directed, and I would not feel justified therefore in advising you in this instance to disregard the law and the above direction of the Court.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 10, 1912.

*Right to improve property on line of Parkway as plotted
but not opened.*

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of the 9th inst., enclosing copy of a communication to yourself from the Chief of the Bureau of Building Inspection, and of a letter to him from the counsel for the owner of the property on the southwest corner of Fifteenth and Arch streets.

This locality is within the plotted but not opened portion of the Parkway, and the owner of the premises desires to make alterations and additions to the building thereon erected. The Chief of the Bureau of Building Inspection has refused a permit for this purpose unless the owner of the property will give a bond or a release to the City from all claim for damages by reason of the opening of this portion of the Parkway. His attorney states that he understands the position taken by the Chief of the Bureau that damages cannot be recovered for any building which may be erected within the lines of the highway after it has been plotted, but he objects to giving the required bond or release. In this I think he is justified.

The Acts of December 27, 1871, Section 3, P. L. (1872) 1390, and of May 16, 1891, Section 12, P. L. 75, provide that no person shall be entitled to recover any damages for buildings or improvements of any kind which may be placed or constructed upon or within the lines of any plotted street, etc., after the same shall have been located or ordained by Councils.

This legislation was sustained as valid and constitutional and as being declaratory of the common law in the case of *Bush vs. McKeesport*, 166 Pa. 57, but in re widening of Venango Street, 9 D. R. 651, it was held that the restrictions imposed by those Acts do not compel the owner of the land embraced within the plotted lines to abandon the ground when he builds upon the line laid down, he, however, losing the benefit of such improvements or new erections when the street shall be opened. Taking the risk of such loss, therefore, it is the right of the owner to build or improve his property within the plotted lines, and I find no requirement that he shall give either a bond or a release of damages to the municipality as a condition precedent to the making of such improvements.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 11, 1912.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—In response to your letter of March 22d I send you herewith lease in triplicate for the south side of municipal pier No. 19, north (Vine street), to Hartfield, Solari & Company, Agents for the Italia Societat di Navigazione a Vapore.

Permit me call your attention to the fact that whilst you ask for a lease for Trans-Atlantic service exclusively, you also state that when the dock is not occupied by the steamers of the lessee the latter are to have the privilege of docking at said pier any other steamer.

I think there should be produced some evidence to show that Hartfield, Solari & Company (incorporated in Delaware) are authorized to do business in Pennsylvania by having complied with the laws of this State relative to foreign corporations, and that they are duly authorized agents of the said Italia Societa di Navigazione a Vapore.

Have you any information as to whether the latter company, also a foreign corporation, is registered in this State?

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 11, 1912.

In re Vare contract repaving Market street with wooden blocks.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways, approved by you, inquiring

whether in the event of the contractor failing to repave openings made in Market street after the 24 hours stipulated in the contract with Edwin H. Vare for the paving of that street with wood blocks, the Director of the Department of Public Works could order these repairs made and have the cost of said repairs charged to the contractor or his sureties on the contract. The clause to which this inquiry relates is as follows:

“The said party of the second part also covenants and agrees that he will, where required in connection with any work authorized under these specifications, increase the thickness of the cement concrete foundation for the sum of fifteen (15) cents per square yard, one (1) inch thick; and that he will during the time for which he may be liable for the maintenance of the work under this agreement, within twenty-four (24) hours after notice, repave over all openings made in the street by authority of any Department of the said City, or under permits issued by the said Department of Public Works, for the price per square yard paid for the repaving; and these repairs over openings and ditches shall be paid for by the Department authorizing any such opening, or out of the item for repairs to paved streets in the annual appropriation to the Department of Public Works (Bureau of Highways), or out of the item for emergencies, upon bills certified by the Surveyor of the District.”

From the language of this clause, it appears that the contractor is to be paid for the work of making repairs over openings in the street at the price per square yard paid for the repaving—that is to say, at the price stipulated in the contract. If, in violation of the foregoing clause, he should refuse or neglect to make the required repairs, the entire cost thereof could not be charged to the contractor or his sureties, but the City might do the work and charge against the contractor any difference in the cost thereof between the contract price at which they

were to be made and the additional cost, if any, to the City for work and material in having such openings repaved.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 12, 1912.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—In reply to your letter of the 12th inst. "regarding assistance to voters," permit me to say that the Primary Election Law of February 17, 1906, provides as follows:

"* * * No elector shall be permitted to receive any assistance in marking his ballot unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot."

This provision is applicable for the primary election tomorrow and its enforcement should, of course, be insisted upon by every one connected with the holding of the election.

The provision for general elections, such as will be held next November, regarding the assistance of voters, is different. It is as follows:

"If any voter declares to the Judge of the election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the Judge of election to select a qualified voter of the election district to aid him in the

preparation of his ballot, such preparation being made in the voting compartment."

This provision is taken from Section 26 of the Act of June 10, 1893.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 12, 1912.

JOHN M. WALTON, Esq.,

City Controller,

DEAR SIR:—I herewith return bills of John Wanamaker, for supplies furnished the Board of Managers of the House of Detention, together with the writ of mandamus commanding you to draw the warrants for \$508.85 in favor of Mr. Wanamaker and for \$186.20 in favor of William Bryant.

I understand that these were test cases and that in opposing the payment for these supplies you were acting under the advice of Mr. Gendell, a former City Solicitor, as embraced in his opinion to you dated May 16, 1910, and appearing in the City Solicitor's Opinions of that year on page 70. The case was carried by appeal to the Superior Court and decided adversely to the City. I had the matter looked into carefully and do not think it advisable to attempt to appeal the case further.

Some question of the constitutionality of the Act of Assembly was raised in the lower court when this case was first litigated, but appears to have been abandoned upon the appeal to the Superior Court.

If there is no fund at present available by appropriation for the payment of these claims, it will nevertheless

be necessary that they be paid, and in that case resort must be had to the general fund of unappropriated money commonly known as the Mandamus Fund.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 15, 1912.

In re paying mandamuses without drawing a warrant in each case.

MURRELL DOBBINS, Esq.,
City Treasurer,

DEAR SIR:—I am in receipt of your inquiry whether you would be justified in paying mandamuses without drawing a warrant for the purpose in each individual case and in charging such mandamuses against the appropriation of \$1,000,000 by the ordinance of July 21, 1911.

The money so appropriated, \$1,000,000, was borrowed "for the payment of mandamuses" after the vote of the people had been taken authorizing such loan explicitly for that purpose.

Mandamuses are usually paid out of unappropriated money and no warrant is necessary for that purpose, the mandamus being an order of the Court in the nature of a writ, commanding that it be paid out of unappropriated funds. The mere fact that an ordinance has been passed directing the money borrowed for the payment of mandamuses to be used to accomplish that object does not, I think, alter the situation, or necessitate that before each mandamus is paid there shall be a warrant drawn against the appropriation. I think, on the contrary, that it may be treated as unappropriated money for the purpose in view, except, of course, that having been borrowed for a specific purpose it cannot be used for any other.

I am of opinion, therefore, that it will not be necessary that a warrant be drawn in each individual case in which mandamuses are presented to you for payment, and also, that you would be justified in charging such payments against said appropriation.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 17, 1912.

*In re construction of contract for the repaving of
 Market street.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways with further reference to the contract between the City and Edwin H. Vare, for repaving Market street with wooden blocks.

The clause of the contract quoted by the Chief of the Bureau in this and in his former letter relates to the repaving of the street over openings made therein, or, as stated in the letter to which this is a reply, "plumbers' cuts, water cuts, and corporation openings where repairs are to be made at contract prices," and it is to these openings that the stipulation with regard to repaving within twenty-four hours after notice applies.

With respect to necessary repairs due to wear and tear, settlement and other causes for which the contractor is responsible, and which are the subject of the present letter, the contract provides that the party of the second part agrees that he will keep the street in good order and repair at the finished grade for at least ten years after the same shall have been repaved and thrown open for public use.

On page 1 of the printed proposals, which are made a part of the contract, the offer is to "guarantee to maintain and keep the pavement or pavements in good order and repair for a period of ten years from the first day of June next following the completion of the pavement or as authorized by ordinance, and at the end of said period of time will deliver the pavement or pavements to the City in good order and repair at the proper grade for the price per square yard of finished pavement hereinafter named in writing and in figures."

The first specification, headed "Guarantee for Maintenance," is as follows:

"The contractor must guarantee the maintenance of the pavement or pavements in good order and repair for a period of not less than ten (10) years from the date of completion or as authorized by ordinance, during which period of time he must maintain the entire pavement, including the foundation, at the proper grade, and the contractor hereby agrees to adjust any inequalities or settlements that may occur in any portion of the pavement, supplying all necessary materials and doing all work necessary to properly adjust at the requisite grade all such depressions or settlements, and will deliver the pavement or pavements to the City in good order and repair and at the proper grade for the price per square yard of finished pavement named in his proposal without any additional allowance or compensation."

These are the only references to the subject of the guarantee for maintenance which appear in the contract or other papers made a part thereof. From this it is clear that the contractor is obliged to maintain the paving in good order and repair for the stipulated period, and he is not entitled to further compensation for doing so; but I do not think that the provision with respect to twenty-four hours' notice, which by its terms relates to repaving over openings, extends to the obligation to make the necessary repairs due to wear and tear, settlement and other like causes.

This subject is governed by the general principle relating to such defaults by failure to fulfill contractual obligations, and under such principles, if the contractor fails to keep the pavement in proper order and repair during the period for which he has agreed to do so, a notice should be sent to him requiring the necessary work to be done within a fair and reasonable (fixed) time, and with further notice that if it is not done by him within such time the City will proceed to have it done at the expense of himself and his surety, a copy of the notice being also sent to the latter. Should the requirements of the notice not be complied with the City will then be at liberty to act in accordance with its terms.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1912.

In re contract with Consolidated Dressed Beef Co.

HERMAN LOEB, Esq.,

Director, Department of Supplies,

DEAR SIR:—I am in receipt of your letter of the 17th inst., with respect to the contract of the City with the Consolidated Dressed Beef Company for supplying beef to the City.

You do not ask to be advised as to any particular point, but I assume the matter is the same concerning which this Department has consulted with your Assistant Director, Mr. McLaughlin. Some time ago we prepared, at his request, a form of letter to be sent to the Consolidated Dressed Beef Company warning that concern that their contract with the City would be annulled on April 1st should the violation of the contract be persisted in. If, as you state, the contractor continues to make delivery

of bull and cow meat which is daily rejected, I think that the letter of which we prepared a draft might now be acted upon and the contract annulled, if you deem that course advisable.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1912.

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.

DEAR SIR:—In connection with the proposed transfers to your Department of the appropriations hitherto made to the Register of Wills, the City Controller and Recorder of Deeds, permit me to call your attention to an ordinance approved the 5th day of August, 1910, which is as follows:

“The Select and Common Councils of the City of Philadelphia do ordain, that hereafter the various Departments occupying quarters in the City Hall are hereby prohibited the undertaking of any mechanical work in the nature of additions, alterations or repairs to said quarters unless the same be done by, through or under the supervision and with the sanction of the Department of Public Safety.”

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, April 18, 1912.**In re placing of sign-post on sidewalk.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter of this date from the Chief of the Electrical Bureau asking the opinion of this Department with respect to electrical signs.

The ordinance of April 12, 1909, provides that the Director of the Department of Public Safety may, in his discretion, grant permits for the erection and maintenance of electrical signs over the sidewalks of the highways, provided that all applications for the erection and maintenance of such signs shall be approved by, and said signs erected under the supervision of the Chief of the Electrical Bureau.

The three questions asked by the Chief of the Bureau:

1. Whether that Bureau can grant permits for such signs.
2. If so, with what restrictions as to locations; and
3. If he considers such a sign undesirable from the standpoint of public convenience, can he be compelled to issue such a permit?

All seem to be answered by the provisions of the above ordinance. The permits are to be granted by yourself in your discretion, but only with the approval and to be erected under the supervision of the Chief of the Electrical Bureau. There is no restriction as to the location of the sign, and within reasonable limits it would be quite proper for the Chief of the Bureau to withhold his approval or for you, as Director of the Department, to exercise your discretion in granting or in the refusal to grant the necessary permit.

The ordinance of 1909, as you notice, refers to electric signs *over* the sidewalks. I do not think this would authorize the placing of a sign-post upon the sidewalk unless this were authorized by an ordinance of Councils. A sign-post placed upon the sidewalk—that is to say, rising vertically from the pavement—would be an obstruction of the highway and would, I think, under ordinary circumstances, constitute a nuisance. There are a number of ordinances forbidding the placing of signs to project certain distances beyond the building line or at less than certain heights above the pavement as applying to different streets. These will be found in Brown's City Digest, pages 1231 to 1234. I am of opinion that the right conferred upon the Department of Public Safety under the ordinance of April 12, 1909, above mentioned, would not authorize the granting of permits in violation of these ordinances.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1912.

In re purchase of supplies—bids—contracts—advertising.

HERMAN LOEB, Esq.,

Director, Department of Supplies,

DEAR SIR:—I am in receipt of a form of ordinance prepared by you, authorizing your Department to purchase materials and supplies without a written contract when the total cost thereof shall not exceed five hundred (500) dollars, and also without advertising in such cases, providing that bids are received from not less than three reputable persons or corporations dealing in the article so required or engaged in the business relating thereto.

The Act of 1874 requires that articles purchased by the

City shall be supplied under written contracts and Councils have not the authority to dispense with this requirement. It is true that where the amount is less than one hundred (100) dollars, it has been the custom to dispense with written contracts, but this was on the ground that the amount was so small that the law, though itself admitting of no exceptions, might be disregarded in such case.

In so far as you desire to be given authority to enter into contracts under the sum of five hundred (500) dollars, without advertising for bidders, upon bids being invited from at least three persons engaged in the proper business, I would call your attention to the ordinance of March 23, 1911, page 52, under which that power is already conferred upon the heads of all the Departments of the City.

As to proposal bonds of which you spoke yesterday, I call your attention to the ordinance of May 25, 1860 (Sect. 1, page 248), which dispenses with the requirements for a proposal bond where the bid is under five hundred dollars, but your Department has insisted upon this bond under all circumstances. This is a procedure adopted by your predecessor which you may abrogate if you so desire.

I summarize:

(1) For purchases under one hundred dollars, neither advertising nor written contract is necessary.

(2) For purchases of more than one hundred dollars, but under five hundred dollars, advertising may be dispensed with upon securing bids from at least three persons engaged in the business, but a written contract must be entered into.

(3) For all amounts exceeding five hundred dollars, there must be preliminary advertising and, of course, bidding, award, and written contract.

(4) For purchases or contracts under five hundred dollars, no proposal bond is necessary.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 22, 1912.

In re transfer of the Morgue from Bureau of City Property to the Coroner.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of April 19th, inquiring whether the ordinance of April 13, 1912, which transfers the control of the City Morgue from the Department of Public Safety, Bureau of City Property, to the Coroner, is legal, and stating that you are informed that such action or contemplated action has already been declared invalid by a former City Solicitor. This doubtless refers to the opinion of the late J. Howard Gendell, Esq., dated December 1, 1908 (City Solicitor's Opinions of 1908, page 187).

In that opinion it is stated that a proposed ordinance to transfer the Morgue, Crematory and Potter's Field to the custody of the Coroner would be invalid, because the Coroner was a County Judge and not a municipal officer, and because, by the Act of April 16, 1907 (P. L. 92), bodies in certain cases were required to be handed over to the health officers or police authorities of any county, city, borough, town or township.

I have high respect for the ability and learning of the late Mr. Gendell, and have therefore given to his opinion and the reasons which he advanced for holding it serious and mature consideration. Other opinions of former City Solicitors bearing more or less closely upon the subject will be found in the Opinions of the City Solicitors of 1895 (p. 55), of 1896 (p. 167), and 1907 (pp. 82-205-209), and perhaps others.

The ordinance passed December 3, 1870. (p. 538), to establish rules and regulations for the government of the then new Morgue building, situate at Beach and Noble streets, confided the charge of that building to the Com-

missioner of Markets and City Property and the Committee of Councils on City Property, certain powers with respect to the bodies brought into the Morgue being vested in the Coroner.

The said Morgue property being sold under authority of the Act of May 20, 1891 (P. L. 95), and the ordinance of July 8, 1891, the present Morgue was built in place thereof, but no change was made with regard to its management and control.

The Acts of June 12, 1893 (P. L. 457), and April 18, 1899 (P. L. 52), provided that in other counties of the State where new morgues were to be erected, they were to be within the control and management of the Coroner.

The Act of April 16, 1907 (P. L. 92), on which in part Mr. Gendell's opinion was based, provides that it shall be the duty of the Coroner and his Deputy where the cause of death is of a suspicious nature to cause an investigation of the facts to be made, and to make such autopsy as the case may demand; that in cases of sudden death where the case is not surrounded by suspicious circumstances, the body shall be sent immediately by the police or health authorities, if the death shall occur away from the home or residence of the deceased, to the same or to such relatives or friends as may claim the body, or in the absence of any knowledge as to the person or his or her home, residence or friends, the Health Board or police authorities shall take possession of such body and keep the same in such place as may be provided by such authorities for the purpose of remaining for a limited time for identification. Any effects found on the body to be handed over by said police or health authorities to the Coroner and by that official given to those legally entitled thereto: *Provided*, That nothing contained in this section of the Act shall interfere with the right of the Coroner to investigate the facts in cases of sudden death.

I do not think that this Act indicates a purpose to require cities as such to take charge of the bodies of deceased persons, or to maintain as a municipal institution a morgue for the reception and care of the dead. On the contrary, I think the opposite inference is to be drawn from the

Act of June 12, 1893, as amended by the Act of April 18, 1899, above referred to, by which in other portions of the State and even in counties where the morgues are directed to be situated within cities contained in such counties, the Coroner is directed to take charge and control of the morgues so provided for.

If the placing of the Morgue in charge of the Coroner in this City were properly to be regarded as a delegation of the City's authority in the premises, and if the care of the dead in institutions provided with that object in view were strictly a municipal function, it would no doubt be beyond the power of the City Councils to make such delegation of the City's power. See *Bailey vs. Phila.*, 184 Pa. 594, on page 605. But I am unable to assent to the proposition that in view of all the legislation upon the subject, the care of dead bodies is a strictly municipal duty. Rather, it seems to me to be one of those functions which the State may very properly perform through its sub-division, the county, and that the Coroner of the county is the appropriate official through whom that duty may with propriety be performed.

For these reasons I am not prepared to say that the ordinance of April 13, 1912, is illegal, but with unfeigned regard for the opinion of my predecessor, I am reluctantly constrained to differ therefrom.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 22, 1912.

In re termination of free telephone service by Bell Telephone Co.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of a letter of recent date from the Chief of the Electrical Bureau, stating that the

Bell Telephone Company has announced its desire to terminate, at the beginning of 1913, the arrangement which has existed under ordinance of July 6, 1883 (p. 212), by which that company is given the privilege of attaching its wires to poles owned or controlled by the City; that the Telephone Company makes claim that since after that date it will have no wires attached to the City poles, it will therefore be automatically freed from the requirement of maintaining telephones connected free of charge in the public offices mentioned in that ordinance. The opinion of this Department is asked whether that contention is justified.

The ordinance of July 6, 1883, gives the permission of the City to the Bell Telephone Company to place its wires upon the poles owned or controlled by the City upon the approval of the Superintendent of the police and fire alarm telegraph. The Telephone Company is required to comply with the provisions of the ordinance of June 21, 1882, to regulate the introduction and use of underground wires, conduits, etc., providing further that said company shall not have the power to exercise any of the privileges granted by the ordinance until it shall have filed an agreement with the City Solicitor to maintain telephones duly connected, free of charge, in certain public offices therein named, and that on default of keeping up and maintaining such service free of charge the privilege therein granted shall cease and determine. The company is also required to comply with the provisions of the ordinance of December 21, 1880, entitled "An Ordinance to provide for the payment of an annual license charge for the use of telegraph poles belonging to the City of Philadelphia and to carry the same into effect."

I am of opinion that this ordinance does not have the effect of placing upon the Bell Telephone Company a perpetual obligation to maintain telephones free of charge in the public offices mentioned, but only an obligation to do so while its use of the poles owned or controlled by the City may continue.

The permission granted by the City would, I think, have been revocable at any time at its instance, and the

penalty for default in giving to the City gratuitous telephone service as provided for by the ordinance is that "the privileges herein granted shall cease and determine." It would seem to follow that the company also has the right to terminate the arrangement by ceasing to make use of the City's poles.

In this respect the ordinance of July 6, 1883, differs from others by the terms of which the Bell Telephone Company in accepting the privileges given by the City, as in laying underground conduits, etc., binds itself by the terms of such ordinances to give free telephone service to the municipality for an indefinite period. Such ordinances are those of January 12, 1888 (p. 5), by the terms of which (p. 12) that company agrees to furnish *at all times* free of cost to the main offices of each Department and Bureau of the City, the offices of the Clerks of Councils and the Chambers of Select and Common Councils, with the necessary instruments, and to each of them a special wire for telephonic communication with their exchanges; and the ordinance of July 3, 1890 (p. 273), as amended by ordinance of November 21, 1894 (p. 429), by which in exchange for privileges in certain sections of Germantown the Bell Telephone Company agrees to "furnish free telephonic service to all buildings occupied by the City for police, fire or school purposes within the territory embraced in this ordinance, as may be ordered from time to time by the Department of Public Safety (Electrical Bureau)."

In ordinances of this character the privileges being granted once for all, I do not think that the Telephone Company retains the right to discontinue the service agreed to be furnished in exchange for such privileges.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 22, 1912.

In re attendance of minors under 16 at certain places of amusement from 9 A. M. to 3 P. M. or after 9 P. M.

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council.

DEAR SIR:—I am in receipt of your letter of the 19th inst., enclosing draft of a proposed ordinance prohibiting the proprietors, managers or lessees of certain places of amusement from permitting minors under 16 years of age to attend such places from 9 o'clock A. M. to 3 o'clock P. M. or after 9 o'clock P. M., unless accompanied by or in charge of a person of full age, not furnished or provided, directly or indirectly, by such proprietor, manager or lessee or any one in his employ, and fixing the penalty of not less than \$25 nor more than \$100 for each offence.

The opinion of this Department is requested as to the legality of such an ordinance and "such other information in connection with the said bill as you may desire to furnish the Committee."

I know of no power conferred upon the City of Philadelphia to enact such an ordinance unless it is referable to what is known as the "General Welfare Clause;" that is to say, to the Act of March 11, 1789, giving authority to make such laws and ordinances and regulations "as shall be necessary for the welfare and comfort of the City," or to that portion of the Act of 1854 which gives the general powers of a municipality to the consolidated City. I do not believe that such general grant of power can properly be invoked to authorize such an ordinance as the one proposed. The matter with which it deals is one which might very well be the subject of State legislation by Act of Assembly, and somewhat analogous matters (as the sale of liquors or cigarettes to minors, permitting young children to appear upon the stage, etc.) have been covered by such legislation. Or if the direct power had been given

to the City to legislate in these matters, of course, the right to do so could not be questioned.

While it is impossible to deduce a general principle as to just what powers a city may possess under the general welfare or like grants of power, I think that the proposed restrictions are not such as the City of Philadelphia has been given the right to ordain.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 24, 1912.

*In re completion of temporary Convention Hall, Broad
and Allegheny avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 23d inst., asking for advice whether under the contract for building the temporary Convention Hall you have the right to employ men to put to work on said building, without actually taking the building out of the hands of the contractor, a procedure which you state to be quite usual on buildings of this character where the owner does not feel that sufficient progress is being made.

The pertinent clause of the contract in question provides as follows:

“Shall the said party of the second part in the opinion of the said Director be prosecuting the said work with an insufficient stock of materials, or with an insufficient force of workmen, or otherwise inadequately, for the prompt completion thereof within the specified time, or be improperly performing the said work, or shall he neglect or abandon it before the

completion or unreasonably delay the same, so that the conditions of the contract are being wilfully violated or executed carelessly or in bad faith, or shall he neglect or refuse to renew or again perform such work as may be rejected by the said Director as defective or unsuitable, or shall he in any other manner in the opinion of the said Director make default in the performance of this contract, then and in such case the said Director shall promptly notify the said party of the second part in writing of such neglect or default. If such notification be without effect within 24 hours after the delivery thereof, then and in that case the said Director may notify the said party of the second part to discontinue all work under this contract; and the said Director shall thereupon have full authority and power immediately to purchase such materials, tools and machinery, and to employ such workmen as in his opinion shall be required for the proper completion of the said work at the cost and expense of the said party of the second part or his surety, or both; or the said Director may without notice declare this contract null and void, and the security bond and the retained percentage and the material delivered and used in, on or about the said work shall then become the property of the City of Philadelphia."

Under this provision of the contract the alternatives in case of default in employing a sufficient number of workmen, or other default as above described, would be for you to notify the contractor in writing of the default, and if such notification be without effect for 24 hours after delivery thereof, he may be further notified to discontinue the work, and you would have authority to purchase materials, tools and machinery and to employ workmen to proceed therewith at the cost of the contractor, or his surety: or, you would have the right without notice (that is, without further notice after the first notice of 24 hours) to declare the contract null and void. Beyond the two courses thus described in the contract, I find no

authority on your part to interfere with the work, the contractor, however, being under a penalty of \$250 per day for failure to complete the construction of the building on or before June 22, 1912.

The contract does not give you the right to employ men to work on the said building without taking it out of the hands of the contractor, without his consent and that of his surety. Of course, any arrangement to which the contractor and his surety might assent would be permissible, but if such were entered into it should be carefully prepared, put in writing and duly signed by the parties. In that contingency I would recommend that the preparation of any agreement of the character indicated should be confided to this Department.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 24, 1912.

In re employment of laborers with teams.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 23d inst., enclosing copy of correspondence between George R. Stearns, the late Director of the Department of Public Works, and James Alcorn, Esq., recently City Solicitor, in relation to the employment of laborers with horses and wagons for the purposes of your Department under the provisions of the ordinances of April 9, 1910, and October 20, 1910.

You state that the opinion of my predecessor is opposed to the practice, which was then being pursued and which has since been followed, and that he states it to be illegal

for you to appoint teamsters at \$6.00 per day under the regular procedure used by the Civil Service Commission in the matter of hiring laborers. I do not so read the opinion to which you refer.

In response to Mr. Stearns' inquiry Mr. Alcorn stated:

"I understand from your letter that it has been your practice to have parties furnish horses and carts and drivers, and that you merely recognized the person who furnished the horses and carts, and that he was paid the regular rate of \$6.00 per day, in accordance with the ordinance, that being the Union rate. I do not see how such a person can be said to be an employee of the City or appear in such relation to the City as referred to in the Civil Service Act. This person's relation to the City is more nearly contractual. However, as you have been in the habit of having a certification from the Civil Service Commission of the persons you thus employ to furnish you with horses and carts, and ignoring the drivers who come along with the horses and carts, I would suggest that you continue to do so."

I understand this to mean that Mr. Alcorn would rather have considered the persons who did the actual work of hauling to be employees of the City than those who furnished such persons together with the carts and horses, but that as the practice of recognizing the latter had theretofore prevailed, he saw no objection to its continuance. In other words, that whoever was employed by the City was required to be certified by the Civil Service Commission in accordance with the Act of 1906.

The question you now ask does not seem to me to be the same as that which was put by Mr. Stearns. You say:

"There is nothing now which prevents our appointing one man and having him furnish practically an unlimited number of double or single teams for which he employs drivers that never entered into a Civil Service examination. * * * *
Will you kindly advise me if this method of appoint-

ment is not in proper form. Should this work be advertised, I feel quite assured that the Department would save a considerable amount of money over the Union rate of wages, which we are compelled to pay in the hiring of teams."

I do not think that the ordinance of April 9, 1910, as extended by that of October 20, 1910, would prevent you from advertising for bidders (which is what I presume you propose) and entering into a contract for this work, provided there has been any appropriation made which is available for that purpose. If there is no such appropriation, of course you could not enter into a contract to have the work done.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1912.

A. PIATT ANDREW, ESQ.,

Assistant Secretary, Treasury Department,
Washington, D. C.

DEAR SIR:—I am in receipt of your favor of the 23d inst., enclosing copy of a letter of March 19, 1912, with respect to the Southwestern Surety Company of Denison, Texas, and, incidentally, other companies similarly situated.

Having the deed of trust before you, you will readily see that the deposit of \$100,000 in bonds is for the purpose of protecting the City by reason of the default of any contractor or other person for whom the company may be surety, and this deposit cannot be removed from the custody of the trustee except upon the happening of certain contingencies mentioned in said deed of trust.

As to the question of it being a special deposit, I understand that this question has been determined by the In-

surance Commissioners of Massachusetts, Connecticut, and New York, and I have no doubt they would gladly furnish you with their decision.

Under the ordinance which is recited in the agreement between the Insurance Company and the City, we consider that the securities are specially deposited with the trustee to protect the City of Philadelphia against all defaults on contracts for which the company is the surety and upon all bonds guaranteeing such contracts, or other bonds of any character wherein the City of Philadelphia is the obligee.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 29, 1912.

*Contract for grading Kensington and Oxford turnpike,
Levick to Knorr street.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, in further reference to the claim of the contractor for grading the Kensington and Oxford turnpike, from Levick to Knorr street, with respect to changes in the quantity of work to be done after the contract between the City and the contractor had been executed.

The facts on which this controversy arises are stated somewhat fully in the letter of this Department of February 29th last, and it is needless to rehearse them again.

The claim then made by the contractor of \$2,500 as the consideration for releasing the City from the contract, the total amount of which could not exceed \$8,000, was

regarded as exorbitant, and it was suggested that unless some amicable arrangement could be made with him upon a fairer basis it might be advisable to take the risk of a suit for breach of contract, rather than submit thereto. A new proposition is now made by the contractor, the principal feature of which seems to be that he should be paid at the contract price of \$2.62 per cubic yard of fill for 382 cubic yards which is not to be actually done; in addition he is to be paid for certain incidental work not covered by the original contract and estimates, and is to allow a credit for other incidental work, which it is determined not to have done. As to this incidental work it would seem proper that the contractor be paid extra for all which was not contemplated when the contract was made, and that credit be allowed the City for that which was then contemplated, but which has not been done.

Upon the whole proposition the Chief of the Bureau states that:

“Investigation of this proposition from the contractor indicates that the prices named are reasonable and that the City would receive full value of the amount proposed. You will note, however, that the first item of this proposition calls for the payment upon an item for grading, which grading would not actually be performed. The figure named is reasonable, because the actual grading only represents a small amount of the work, the balance being made up of paving, pipe laying and other contingencies. In payment, however, of such an item the question of constructive measurements might be brought forward, as the surveyor's certificate for actual amount performed would only cover the 2,392 yards of grading as given in the last item of the contractor's proposition.”

It being the opinion of the Chief of the Bureau that the arrangement now suggested is a reasonable and proper one, should you concur in that opinion, in view of all the circumstances in the case, it would not be improper to assent thereto as a compromise of the claim, especially

as the City would probably be liable in some amount should it abrogate the contract, it having undertaken to change the terms thereof after the agreement was executed.

I do not think, however, that it would be legal, on the authority of an executive department, to pay for work not actually done, nor would the City Controller, in my judgment, be justified in countersigning warrants for such payments. I therefore think that the matter should be brought to the attention of Councils and the extra payment duly authorized by those bodies by way of settlement of the disputed claim. Having in the foregoing endeavored to answer in substance the questions put by the Chief of the Bureau of Highways and Street Cleaning, I assume it is not necessary to dispose of them *seriatim*.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 29, 1912.

In re payment on account for construction of Convention Hall.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of the letter of the Chief Engineer of the Bureau of Surveys, approved by you, with reference to payment to the contractor for the construction of the temporary Convention Hall at Broad street and Allegheny avenue.

It appears that the contract calls for the payment of \$7,000 when the lot is graded and all footings placed, and for successive payments at various stages of the construction. The second and third payments have been made,

the work called for as a condition precedent to such payment having been done, but the first payment has not been made to the contractor because the clearing and grading of the lot has not been entirely completed. It is certified by the Architect, however, that \$5,000 of the work, for which the first payment is to be made, has been done, but the entire work under this head has not been completed, as is stated by Mr. Webster, "on account of the materials of construction interfering. The lot has been entirely cleared and all of the footings have been placed, the work done by the contractor considerably exceeding five-sevenths of the work to be accomplished under this payment."

Attached to the letter of the Architect stating that, "Under these conditions I believe it perfectly safe to make the \$5,000 a part payment as requested, provided the Director and the Law Department so approve," is a letter from the surety of the contractor, agreeing that such payment shall be made.

In view of the facts thus indicated I think the matter is one resting in your discretion, whether the payment of \$5,000 should be made to the contractor or not; and that it would not be illegal to make such payment.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 29, 1912.

*In re contract with Barber Asphalt Paving Company for
repaving over ditches and trenches.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from the Chief of the Bureau of Highways and Street Cleaning, approved

by you, with reference to the payment to the Barber Asphalt Paving Company for repaving over ditches and trenches as incidental to their contract with the City, dated July 18, 1911, for resurfacing Lehigh avenue, between Sixth and Thirteenth streets, at the price of 51 cents per square yard.

The contract in terms provides for the repaving and resurfacing of Lehigh avenue within the limits named, but the bid of the Barber Asphalt Paving Company, upon which the contract was let, names the sum of 51 cents per square yard, for which they agreed to "resurface upon the present foundation, using heater and supplying any deficiencies in the foundation or the binder." The specification attached to the Contract No. 46 provides that:

"During the time for which the contractor is liable for the maintenance of the work under the specifications and contract, he shall, within twenty-four hours after notice, repave over all openings made in the street by authority of any Department of the City or under permits issued by the Department of Public Works, for the price per square yard paid for the paving."

Similar provisions appear in the specifications attached to other contracts, which, by reference, are made a part of the contract in question. It is doubtful whether this provision of the specifications applies to repaving over ditches and trenches during the progress of the work, as distinct from the maintenance period to which it in terms is confined; but, however that may be, the price at which, under Specification 46, the contractor agrees to repave over ditches and trenches would not seem to be the price bid for resurfacing merely. If I am correctly informed, the paving or repaving, either over ditches and trenches or otherwise, requires the furnishing of a concrete base, a binder course, and a wearing surface, whereas the resurfacing requires only the wearing surface, excepting that where the foundation or binder course is deficient, these must also be supplied. For this reason, it would appear that the obligation, under Specification 46, to repave over

openings "for the price per square yard paid for the paving," does not mean at the price per square yard paid for the surfacing merely, and the contractor would, therefore, not be required to do that work for such price.

You state that "the contractor has claimed that he should be paid not only the 51 cents for the resurfacing, but should also be paid a price to cover the cost of the concrete base and the binder." Without assuming to determine whether this would be a proper allowance, I call your attention to the provision of the printed form of proposal for this work, which provides in part that "For any special or contingent work, not included in the foregoing proposal, on any of the streets above named, a price to be paid therefor shall be fixed by the Director of the Department of Public Works prior to such special or contingent work being commenced." Under this clause of the proposals, which are made a part of the contract, I think you would have the power to fix the rate at which this extra work should be estimated and paid for; or, if any of the specifications to other contracts, which, you say, are by reference made a part of the contract of July 18, 1911, fix the cost of paving or repaving of the same kind and quality, the price thus agreed upon might be resorted to for the present purpose.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 1, 1912.

In re contract with Filbert Paving and Construction Company for furnishing asphalt, Bureau of Highways.

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—In reply to your letter of the 30th ult., stating that you are

"in receipt of a communication, under date of April 29th, from Director Cooke, of the Department of Public Works, as follows: 'I earnestly request the annulment of the contract for \$70,000 for furnishing asphalt to the Bureau of Highways, at the earliest possible moment, as the season is now well advanced, and we are unable to use the money, \$20,000 of which is for City streets, Item 5, and our appropriation in this item is very low.' Under date of April 3d the annulment of the contract, made between this Department and the Filbert Paving and Construction Company for furnishing asphalt to the Bureau of Highways during the year 1912, in the sum of \$70,000, was requested,"

permit me to say that immediately upon the receipt of your letter, we requested the Filbert Paving and Construction Company to agree to the annulment of this contract. Such agreement by them was entirely optional, as it is beyond our power to abrogate it without rendering the City liable in an action for damages. The Filbert Company did not return the agreement to annul, but this morning our Mr. Hopple called them upon the telephone, and Mr. Ross, the President, informed him that he will give a decisive answer to-day. As soon as I hear, I will let you know.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 1, 1912.

In re furnishing wire connections between exchanges and police stations by the Keystone Telephone Company.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Electrical Bureau, not bearing your approval, dated

April 29th, inquiring as to the legality of a claim stated to have been made by the Keystone Telephone Company, that the ordinance of December 26, 1902 (p. 323), does not require that company to furnish wire connections between their exchanges and the police stations, but only to place instruments in the police stations, and that it is entitled to remuneration for the furnishing of such wire connections.

The ordinance referred to, at the top of page 325 provides that "the said Company shall place its telephones in all police station houses without cost, when ordered by the Department of Public Safety, and shall thereby furnish to its subscribers and patrons free communication with the police system."

The privilege thus secured to the City was, among other things, in exchange for rights and privileges conferred by the City upon the Telephone Company, and it seems to me clear, from the language employed, that the company is required to furnish, without charge, not only the telephone instruments themselves, but the wire connections necessary to their proper use. If this were otherwise open to doubt, the phrase "and shall thereby furnish to its subscribers and patrons free communication with the police system," would remove any uncertainty in the matter, and would serve to emphasize the implication, which, even without that phrase, would, I think, attach to the requirement that the Telephone Company place its telephones in all police stations without cost, when ordered by the Department of Public Safety.

The City cannot, in my judgment, concede the validity of the claim of the Keystone Telephone Company.

It has become a fixed custom that communications asking for opinions from this Department should either be signed or approved by the Director of the Department in which they originate. It is found that this method of transacting the City's business conduces to system and regularity, and I should be very glad if, in your Department, such custom should be followed, unless in urgent cases there may be good reason for departing therefrom.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 3, 1912.

J. R. CURTIS, ESQ.,

Assistant Secretary,

Treasury Department, Washington, D. C.

DEAR SIR:—In reply to your letter of 1st inst., asking from me “a statement showing the names of all surety companies taken from the enclosed Department Form No. 356, which are at present maintaining a deposit with the City of Philadelphia, together with the amount of such deposit in each case,” permit me to say that each of the following named companies has deposited \$100,000:

American Bonding Company of Baltimore.

Fidelity and Deposit Company of Maryland, Baltimore.

Maryland Casualty Company, Baltimore.

United States Fidelity and Guaranty Company, Baltimore.

Massachusetts Bonding and Insurance Company, Boston.

American Surety Company of New York.

National Surety Company, New York.

Southwestern Surety Insurance Company, Denison, Texas.

The Title Guaranty and Surety Company of Scranton.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 4, 1912.

J. R. CURTIS, ESQ.,

Assistant Secretary,

Treasury Department, Washington, D. C.

DEAR SIR:—Referring to my letter of yesterday, giving the list of surety companies which comply with the ordi-

nance to qualify them to do business in the City of Philadelphia, the Title Guaranty and Surety Company, of Scranton, Pa., is included in the list, but being a Pennsylvania corporation, it is not required to, nor has it, deposited the one hundred thousand dollars, as provided in said ordinance.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 4, 1912.

In re maintenance of unpaved and macadamized highways, small bridges, etc.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of April 30th, calling attention to the ordinance of March 25, 1912, which appropriates \$202,400 to the Department of Public Works (Bureau of Highways), "to Item 62, for the maintenance of unpaved and macadamized public highways, small bridges, drains and steps during the year 1912, including the furnishing, delivering, spreading and rolling of broken stone and screenings, and the hauling of ashes from the Shawmont and Roxborough Pumping Station, and spreading the same on the roads of the Twenty-first and Twenty-second Wards, west of the Wissahickon drive."

You state that "the most economical method to care for certain macadamized roads in this City, on account of traffic conditions, is by applying bituminous surface treatments, or resurfacing said roads when necessary with a bituminous macadam, as resurfacing with water-bound macadam would not last long enough to justify the expenditure."

You inquire whether under the ordinance you would be authorized to use the appropriation in the manner thus suggested

I find nothing in the ordinance which in any manner interferes with your discretion with respect to the manner in which the maintenance of unpaved and macadamized highways, etc., is to be accomplished, and I think you have full power to "contract, when and where advisable, for work of this character out of said appropriation."

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 6, 1912.

In re changes in construction of fire houses.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of copy of a communication, dated April 23d last, and said to have been sent to this Department, but the original of which was not received, in reference to contemplated changes in the construction of fire houses at Sixth street and Lehigh avenue and Belgrade and Huntingdon streets.

You state that it is your desire to make the changes referred to and wish to be advised as to the proper method to pursue in order to consummate the same.

The contracts call for the construction of fire houses at the respective locations mentioned. Since the construction of these houses has been begun, however, it has been decided to change them so that they may accommodate fire apparatus propelled by motors, instead of those drawn by horse power, as was the first intention, thus necessitating considerable modification in the contracts for the

erection of the fire houses, the work upon which has been carried in some degree forward toward completion.

In the case of the fire house at Belgrade and Huntingdon streets, the changes proposed can be effected at a cost to the City of \$139, which is set off by an allowance in the City's favor of \$238.20, the net credit to the City being \$99.20.

In the case of the house at Sixth street and Lehigh avenue, in which the changes embrace a new fire hose tower and other necessary alterations, the increased cost to the City would be \$1,820, less allowances aggregating \$535.61, or a net cost to the City of \$1,284.39.

The price bid for the erection of the latter fire house was \$33,550, with some allowance for excessive digging and stone work, in addition to that shown by the original plan, the limit of the City's expenditure under the contract being fixed at \$34,050.

The specifications for the respective contracts provided that "no changes or variations from the specifications or from the drawings shall be made unless with the written sanction of the Director of the Department of Public Safety. Any changes made in violation of this stipulation shall cause the rejection of the work or material so changed or substituted and no allowance be made for loss of time."

The practical inconvenience involved in advertising for new bidders for the doing of this work would be very great, and would in all probability be quite expensive to the City, because under the contract there is no method for compelling any allowance in the City's favor for that part of the work which the original contractors would not be called upon to do. Moreover, it will readily be appreciated how much confusion would be imported into the doing of the work if two sets of contractors should be employed thereon simultaneously, to say nothing of the consequent division of responsibility for the final result.

I think the provision of the specifications above quoted implies a right to make changes with the written sanction of the Director of the Department of Public Safety, pro-

vided that in the case of the Lehigh avenue house the amount to the credit of the proper item of appropriation is sufficiently large to cover the increased expenditure. Upon making the changes in this manner the City Controller should be notified thereof, and that the change includes an increase in the limit of the contract in the additional sum for which the City is made liable.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 6, 1912.

*In re change in material for grading western approach,
Passyunk avenue bridge.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 3d inst. with respect to the contract for grading the western approach to Passyunk avenue bridge, in regard to which the contractor has requested permission to use dredged material from the Schuylkill river.

You state in substance, that you find in the specifications no suggestion that this method of filling was contemplated when they were drawn; that the specifications contain frequent reference to the material being laid in layers, to the use of wagons, and the character of the material as clean earth, ashes, etc. That the contractor does not propose to give the City the benefit of any concession in the price, and that you are not sure that the material which he proposes to use may not in some respects be better for the purpose than that he contracted to furnish; that with these views you feel that the per-

mission might involve a change in the specifications which you do not feel warranted in authorizing, and that the question raised seems to be essentially similar to that involved in the matter of the League Island Park project.

I have examined the contract between the City of Philadelphia and Daniel S. Bader, dated October 23, 1911, which I assume is the one referred to. It calls for the grading of Passyunk avenue from the Schuylkill river to Sixty-third street and the doing of such contingent work thereon as may be required by the Bureau of Highways of the Department of Public Works, the limit of liability of the City in the said contract being \$150,000 and the price bid by the contractor is forty-nine cents per cubic yard. The only specification which I find bearing directly upon the subject is No. 5, which provides that:

“All filling shall be done with clean earth or ashes, free from stumps, roots of trees, brush, tin cans, garbage or any perishable or objectionable material, and all such filling must be levelled as soon as done. When the filling exceeds two (2) feet in depth it shall be put on in layers not exceeding one foot in depth and shall be driven over by the teams to make it compact.”

Of course, the material proposed to be used by the contractor, which is to be dredged from the river bed, is not ashes, and the question remains whether it is “clean earth” within the meaning of this specification. That question is not a legal one, but rather is concerned with the engineering problem which is in charge of your Department.

Should you decide that such material is “clean earth,” as those words are here used; and further, should you finally come to the conclusion that on the whole the material is better for the purpose—that is to say, from the point of view of the City—than any other kind of material such as earth secured elsewhere, or ashes, I am of

the opinion that there would be no legal objection to your granting the permission which is requested by the contractor.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 8, 1912.

*In re removal of gasoline lamp tops prior to expiration
of contract.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I have your letter of the 6th inst., asking advice whether there is anything to prevent your advising the contractor for gasoline lighting for 1912, to remove the tops from a certain number of posts daily, from December twentieth to the first of the succeeding year, instead of removing them all on the last day of the year, thus compelling the replacement of some 18,000 lamps in one day.

You state that as the City's rights have been heretofore interpreted, the contractor could only be forced to remove them at the close of his contract, but that you would pay the present contractor for the lights for the full term of his contract as if he were lighting the lamps, but would insist that the new contractor put his tops in place as the others were removed, and keep the lamps lighted at no additional expense other than paying the original contractor.

You ask further, whether this would be considered work done on a contract so as to act as a bar to signing the statement that no work had been done prior to the appropriation, and state that in another year you could

take care of this in the specifications, but that you are anxious to get the benefit of it this year, if it can be done.

I do not find anything in the contract or specifications which will authorize you to order the contractor for 1912 to remove the tops before the expiration of the year, against his will, but if, as you state, he is to be paid for lighting the lamps during the interval between their removal and the expiration of the year while he is not actually doing so, I should suppose there would be little difficulty in having him remove the tops as you suggest, in order to meet the City's convenience in not requiring all of the changes to be made in one day.

With respect to the new contractor—that is, the contractor for 1913—the matter can readily be provided for in the specifications for that year, as you suggest. Thus, it might very well be provided therein that the contractor will be required to put his lamps in place, a certain number each day, from December twentieth, and light them until the beginning of the year without extra charge. Of course, this should not be done, however, until an arrangement is first made with the present contractor on the lines suggested in your letter.

I do not think that work so done by the contractor for 1913, or any subsequent year, as a mere preliminary to the requirement of his contract to light the lamps during the year covered by it, and without extra compensation, would be such as to prevent signing the statement that no work had been done on the contract prior to the appropriation.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 8, 1912.**In re bill for purchase of supplies and materials by Department of Supplies.*

A. R. H. MORROW, Esq.,
Secretary, Committee on Finance.

DEAR SIR:—I am in receipt of your letter of the 7th inst., stating that there is pending in the Committee on Finance a bill granting permission to the Director of Supplies to purchase materials or supplies without entering into a written contract when the total cost shall not exceed \$500, when advertised and scheduled on the annual quarterly schedules; and also to purchase without advertising materials or supplies not covered by the schedules when the total cost thereof shall not exceed \$500, provided that bids therefor are received in writing from not less than three reputable persons or corporations dealing in the article required or engaged in the business relating thereto. An opinion is requested as to the legality of such bill.

I would say that insofar as the proposed ordinance provides for the receipt of bids without advertising, it is not illegal, and this seems already to have been done by Ordinance of March 23, 1911, page 52. The provision of the bill that materials or supplies may be purchased without a written contract is not in accordance with law.

In further elucidation of the matter, I transmit copy of a letter upon the subject sent to the Director of Supplies on April eighteenth last

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 9, 1912.

*In re claim of McKee & Co. for coal furnished to the
House of Detention.*

JOHN M. WALTON, ESQ.,
City Controller.

DEAR SIR:—I return herewith papers left with me in connection with the claim of McKee & Co. for \$1,557.65 for coal furnished to the House of Detention.

In the recent case of Price et al. vs. Walton, the Superior Court decided that it is not necessary for the Board of Managers of the House of Detention to enter into a previous contract before purchasing supplies for that institution, and that upon the presentation of itemized bills, duly approved, with the proper vouchers therefor, to the Commissioners for the County of Philadelphia, and the drawing of a warrant by the Commissioners upon the City Treasurer, it is the duty of the City Controller to countersign such warrant, provided that there is a balance in the appropriation to the Commissioners for the maintenance of the House of Detention sufficient to pay the bills so presented, accompanied by a certificate of their correctness and approval by the Board of Managers.

I think, therefore, that the fact that no contract was entered into for the purchase of the coal which is the subject of McKee & Co.'s claim is not material, and that upon the conditions stated in the decision of the Court and above referred to, a warrant in favor of the claimant should be countersigned by you.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 9, 1912.**In re kind of horns to be used on automobiles.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of this date whether the ordinance of June 18, 1906, page 155, with respect to the kind of horns to be carried on automobiles, etc., is superseded by the provisions of the Act of April 27, 1909, P. L. 265, and referring to the opinion of the late J. Howard Gendell, Esq., that it is not so superseded. In this opinion I concur.

In the case of *Brazier vs. Philadelphia*, 215 Pa. 297, the Supreme Court decided that a City ordinance with respect to the operation of automobiles was not repealed or superseded by a later Act of Assembly, except insofar as the two might be inconsistent.

The Act of 1909, Section 15, provides that no City, etc., shall have power to enforce or maintain any ordinance, rule or regulation inconsistent with or fixing a rate of speed lower than that permitted by the Act, or require a license tax or permit for the registration of motor vehicles, and all such local ordinances, rules or regulations in force at the time of the passage of the Act are made null and void and of no further effect. There is nothing in this language which relates to the kind or character of horn or sounding device to be used, and Sections 12 and 13, which do require the carrying of a horn, bell, or other signal device, are silent as to the kind of horn or other device which is necessary.

The ordinance of 1906 provides that a horn sounding one note only, or what is commonly called a "toot-horn" must be used by automobilists, and there appears to be no positive inconsistency between this requirement and those of the Act of 1909—so that in accordance with the

doctrine of the case of *Brazier vs. Philadelphia*, above referred to, the later statute does not affect the repeal of the ordinance.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 10, 1912.

MR. GEORGE S. WEBSTER,
Chief Engineer and Surveyor.

DEAR SIR:—I am in receipt of your communication of May 7, 1912, requesting advice as to whether the terms of the ordinance of April 13, 1912, have been sufficiently complied with to permit the payment of bill of Peter Ellis.

The ordinance provides for the payment of bill of Peter Ellis for construction of sewer in Wyoming avenue, east of A street, in front of property of United Presbyterian Church, one hundred and twenty (120) dollars, provided said bill be first assigned to the City of Philadelphia for cancellation.

As Peter Ellis has duly endorsed the original bill with certificate of assignment to the City of Philadelphia, and has further filed a certificate from the Prothonotary that no lien has been filed against the premises in question from December 1, 1911, in my opinion the terms of the ordinance have been sufficiently complied with to permit the payment of the bill.

I herewith return the bill and duplicate, as requested.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 14, 1912.

In re ordinance directing the removal and prohibiting the future construction of steps, areaways, etc., on Walnut street.

MORRIS L. COOKE, Esq., .

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 6th inst., enclosing draft of a proposed ordinance directing the removal and prohibiting the construction of steps, areaways, cellar doors, etc., beyond the confirmed building lines on Walnut street, from Seventh to Sixteenth street, concerning which you inquire whether this procedure is warranted by law.

In so far as the ordinance contemplates the prohibition of encroachments beyond the building line in the future, I think it entirely feasible and lawful, but with respect to steps, areaways, etc., now existing and which have been built under ordinance permitting their construction, the equitable if not the legal right of the City to require their removal, except in the exercise of its right of eminent domain, and upon the assessment and payment of damages to the owners of the property affected may be open to question.

If the ordinance is to be of the latter character, that fact should be clearly shown upon its face, and whether the cost to the City which would be involved in the compulsory removal of all steps and other projections upon the sidewalk over so great a length of street would not make the proposed change impracticable, will be for the consideration of Councils.

I return herewith the papers sent me by you in connection with the matter.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 14, 1912.

In re remission of taxes No. 2109 to 2115 N. Broad street.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 8th inst., enclosing a letter to yourself from Mr. Louis Sickels, President of the Congregation Adath Jeshurun, which is herewith returned, and copies of the letters to Mr. Sickels from the Director of the Department of Public Safety and from that Department to the Board of Revision of Taxes.

It appears that in 1910, during the strike of the trolley-men, it was necessary to establish a stable in North Philadelphia, and the premises Nos. 2109 to 2115 N. Broad street, owned by the Congregation Adath Jeshurun, was tendered to the City for that purpose. The City continued to occupy the premises as a stable for mounted policemen throughout the years 1910 and 1911, free of rental, except that it seems to have been agreed that allowance should be made equal to the taxes and water rent of said premises during those years. I gather from your letter that the taxes were allowed for, but the water rent was not, and you state that the City is in honor bound to provide for these bills, and inquire how this can best be done.

The passage of an ordinance for the purpose, setting forth the facts, reciting the agreement for rental and making an appropriation for its payment in favor of the said congregation, equal to the amount of the water rent for the two years, would seem to be the proper course to pursue, under the circumstances you recite.

If the taxes have not already been provided for, the amount of the appropriation should be sufficient to cover them also.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 15, 1912.**In re erection of temporary bridge on line of Marshall road, over Cobbs Creek.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, in reference to bids for erecting a temporary bridge on the line of Marshall road, over Cobbs Creek, an inter-county bridge, for which the cost of construction is to be borne equally by the City of Philadelphia and Delaware County. It appears that one of the bidders did not have his signature to the bid attested by a notary public, and another bidder omitted the affidavit and did not fill in the guarantee of a surety company that if the contract was awarded to him he would enter into it and file a bond for the faithful fulfillment of the contract.

The inquiry is whether either of these bids is legal and can be accepted.

I am of opinion that these irregularities are not necessarily fatal to the bids, and that if the best interests of the City and of Delaware County can be promoted by awarding the contract to one of these bidders, it is not beyond the power of your Department, in co-operation with the authorities of that county, to follow this course.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 15, 1912.

*In re paving of Medary street, from Twenty-first street
to Limekiln pike with vitrified bricks.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of 13th inst. from the Chief of the Bureau of Highways and Street Cleaning, inquiring as to the following matter: In the contract for paving Medary street, from Twenty-first street to Limekiln pike with vitrified brick, the provision for a five year guarantee of maintenance by the contractor contains the clause that “during the time for which the contractor is liable for the maintenance of the work under the specifications and contract he shall, within twenty-four hours after notice, repave over all openings made in the street by authority of any Department of the City or under terms issued by the Department of Public Works for the price per square yard paid for the paving.”

It further appears from Mr. Connell's letter that the openings referred to are vertical cuts running through both the wearing surface of brick and the concrete foundation, but it frequently happens, through no fault of the contractor, that the openings of the brick by the time repairs are to be made exceed by a considerable amount the area of the original cut, and the question arises whether the contractor is to be paid for the number of square yards paved by him or for the yardage of the original cut.

You will note that the consideration for this work is to be “the price per square yard paid for the paving,” and I think the contractor is entitled to be paid for the number of square yards of paving which he actually does, unless the increase is brought about by his neglect or by some other cause which is within his control. As the increased area affects only the brickwork and not the concrete foundation, this fact might produce some difficulty

in adjusting the amount due the contractor in such cases, but the letter of the Chief of the Bureau states that "agreement as to price for this work could readily be fixed from the bids for contingent work forming a feature of the proposal which forms a part of this contract."

I see no reason, therefore, why the payments should not be made upon the basis thus suggested.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 16, 1912.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—In reply to your letter asking, "Isn't there some way in which provisional appointments of widows of firemen can be made permanent, although the widow has not passed among the four highest applicants before the Civil Service Board," and adding that "it seems hard to discharge those provisionally appointed"—permit me to say that while I concur with you in the hardship involved, there is no method by which preference under the law can be given these deserving women.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 16, 1912.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

MY DEAR SIR:—I am in receipt of your letter of the 3d inst., wherein you write to me as follows:

“Will you kindly look into the question of the City’s power to borrow money on personal property assessed and returned to the City of Philadelphia. This amounted last year to somewhat more than \$570,000,000.”

From this I assume your question to be whether the personal property within the City of Philadelphia, generally spoken of as “money at interest,” and assessed for State taxes, can be included in fixing the basis for determining the borrowing capacity of the City.

The Supreme Court has answered this question in the negative in the recent case of *Elliott vs. Philadelphia*, 229 Penna. State Reps. 224. Therein Mr. Justice Elkin, speaking for the Court, said:

“It is contended for the City that personal securities taxed as ‘money at interest’ should be included in the assessed value of the ‘property therein’ in fixing the basis for determining the amount of indebtedness that may be incurred. This raises the question whether this tax is for City or State purposes. It is true that the City or county does receive as a gratuity from the State three-fourths of the tax on personal securities held by residents of the City of Philadelphia and as such subject to taxation. But it is a State and not a City or county tax. The character of the tax is determined by the Act which authorizes its imposition, and not by the use made of the revenue thus derived. Personal securities of this character were taxed for State purposes under the Act of 1879, which has been amended by the Acts of 1889, 1891, and other supplementary legislation. This tax was authorized to be imposed and collected for State purposes. The Acts themselves in express language so provide, and there can be no doubt about it. The Act of 1891, which in this respect uses the same language as the former Acts, provides as to this class of property that ‘it is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value

thereof.' This fixes the character of the tax and designates the purpose for which it is imposed. It is true the Commonwealth, as a matter of public policy voiced by the Legislature, returns a large part of it to the counties. But it is collected by the State, paid into the State treasury and returned to the counties by the officers of the Commonwealth as authorized by the statute. Under these circumstances this cannot be treated as a City or county tax, *and the personal securities upon which the tax is levied cannot be considered as property taxable for City purposes within the meaning of the Constitution.*"

In *Bruce vs. Pittsburgh*, 166 Penna. State Reps. at page 157, our Supreme Court thus expressed itself: "We are of the opinion that the language in Article IX, Section 8, of the Constitution, 'the debt of any * * * city shall never exceed seven per centum upon the assessed value of the taxable property therein,' and that of Section 2 of Act of 20th April, 1874: 'Any * * * city may incur debt or increase its indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein as fixed and determined by the last preceding assessed valuation thereof,' and similar language throughout this Act, *mean the valuation fixed by the City authorities as a basis of taxation for City purposes, and not the valuation made by county officers for county purposes.*"

The foregoing will cover the specific question you present, but the purpose of your inquiry I deem to be of wider scope. Broadly stated, your desire is to ascertain whether within the Constitutional limitation it is possible lawfully to increase the borrowing capacity of the City. A reference to some legislation is requisite in considering the subject.

In Section 32 of the Act of April 29, 1844 (P. L. 486), there is an enumeration of "subjects for valuation, assessment and taxation for all State and county purposes," including with the real and personal property therein described "salaries and emoluments of office, all offices and

posts of profit, professions, trades and occupations, except the occupation of farmer."

By the Act of August 25, 1864, Section 1 (P. L. 1031), it is provided that "The Select and Common Councils of the City of Philadelphia shall have the power to levy a tax for municipal purposes on all subjects of taxation specified in Section 32 of the Act of April 29, one thousand eight hundred and forty-four, and to provide by ordinance a system for the assessment thereof and for the collection of taxes thereon."

Under Section 4 of the Act of February 23, 1866 (P. L. 83), real estate is rendered exempt from taxation for State purposes, and by the Act of April 4, 1868 (P. L. 61), in certain counties, including Philadelphia, there are exempted from all taxation, excepting for State purposes, "all mortgages, judgments, recognizances and moneys owing upon articles of agreement for the sale of real estate," excepting "mortgages, judgments or articles of agreement given by corporations."

It will thus be perceived that under existing law it is possible for City Councils to levy an occupation tax for municipal purposes.

The tax itself could be made so small as to be in no way burdensome, whilst the assessed valuation of the occupation taxed, which in the aggregate would be very considerable, would largely increase the basis for fixing the City's borrowing power.

Occupations lawfully assessed for municipal purposes have been expressly held to be properly included as "taxable property" in ascertaining the borrowing capacity.

In re Appeal of Wm. H. Brown, 111 Pa. St. Reps. 72.

In making the assessments and in levying of such tax, care would have to be exercised not to confound an occupation tax with an income tax.

In Bangers' Appeal, 16 W. N. U. 289, the Supreme Court indicating the proper method for assessment in such cases and pointing out the necessity for proper classification and uniformity, said: "the power of levying an occupation tax gives the City no right to levy an income tax."

Should Councils approve of an "occupation tax," it is possible by means thereof to increase the borrowing capacity of the City some millions of dollars without levying a burdensome charge.

This refers to possibilities under the present law.

There is, however, another feature which presents itself in the matter. In your letter you have referred to the large amount of personal property within the City, spoken of as "money at interest." Under the law as it now stands this property cannot be taxed for municipal purposes. It is subject to taxation for State purposes only, and it cannot be taken into account as "property taxable" in fixing the basis for the City's borrowing capacity. Notwithstanding this fact, under the Act of June 8, 1891 (P. L. 229), three-fourths of the State taxes upon such property are returned to the City of Philadelphia, and the Commonwealth retains for its own benefit but a comparatively small portion of the moneys collected. Under such circumstances it would seem reasonable by appropriate legislation to exempt such property from State taxes and to make it subject to taxation for municipal purposes, provision being made if necessary for an equivalent to the State in return for such revenue as it would thereby relinquish. The property then being duly assessed for taxation for municipal purposes, would constitute part of "property taxable" within the meaning of the Constitution in ascertaining and determining the City's borrowing capacity, and such borrowing capacity would be increased forty millions of dollars or more.

Pursuant to a resolution of the State Legislature there is now in existence a Commission clothed with authority to investigate, consider and report as to desirable changes in the revenue laws of the State. If the change in the law herein suggested should be deemed advisable, it would seem appropriate for the City authorities to call the attention of the said Commission to this subject to the end that fitting legislation may be drafted and recommended to the Legislature for adoption at its next session.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 18, 1912.

*In re contract with Cunningham Paving and Construction
Co. for repairing and maintaining streets occupied by
tracks of Philadelphia Rapid Transit Co.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 15th inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, stating that on June 29, 1910, a contract was executed for repairing and maintaining streets occupied by tracks of the Philadelphia Rapid Transit Company, which provides that where the street has been repaired on one or both shoulders for a full block, or for a distance covering 500 square yards or over, the contractor will be required to maintain the pavement for a period of three years from the time of completion; that, under this contract, repairs were made on Wayne avenue, from Roberts avenue to Berkley street; that the street is now in bad condition, but the contractor has made the repairs under his guarantee, the work, however, covering only a small amount of the total area of the street; that the character of the traffic has so changed that the original design of construction is inadequate to meet the present needs, and the only proper remedy is to resurface the entire square.

An opinion is asked whether, in view of the existence of the guarantee, it would be legal in the above stated circumstances for the Bureau of Highways to contract for the resurfacing of this square.

Of course, the resurfacing of the square as proposed would release the present contractor from his liability for maintenance. Whether the City should sacrifice the benefit of its guarantee for the additional time it has to run is a question largely of expediency. If the change in the character of the traffic is so great as to create a necessity

for a resurfacing of the street, there would be no legal objection to following that course, though ordinarily it would seem admissible, if reasonably practicable, to await the expiration of the guarantee period before incurring the expense of resurfacing the street. The matter is one which rests in your discretion, and in regard to which it is your duty to assume the responsibility of deciding.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 21, 1912.

Liability of contractor under guarantee clause in supplemental contracts which have been declared to be illegal.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring whether the Filbert Paving and Construction Co. should be held liable upon its guarantee for maintenance of work done under supplemental contracts with the City which have been held to be illegal.

If, as I assume, this refers to the supplemental contracts involved in the suit of *Lewis vs. City et al.*, recently decided in the Supreme Court, in which it was held that the supplemental contracts were null and void, and the Filbert Paving and Construction Co. was decreed to return to the City all moneys received under such contracts, I think it clear that the contractor cannot be held liable under the guarantee clause.

You will, of course, understand that this only applies to work done under the supplemental contracts, and not to work done under the original contract.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 21, 1912.

*In re allowance to City for change in method of fill—
Passyunk avenue bridge.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—Replying to your inquiry whether, if you should permit the use of dredged material for grading the western approach to Passyunk avenue bridge, it would be proper to require an allowance to be made to the City by the contractor, in view of the decreased cost to him of that material, or to refuse to permit him to change the method of fill on his failure to make some recession in the price, I would say that, in my opinion, it would not be improper to make such a requirement if the facts justify it, and to refuse permission to make the change unless a concession is made to the City.

The matter is one which lies within your own discretion.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 21, 1912.

*In re widening Chestnut street, between Tenth and
Eleventh streets.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—In reply to your letter of the 18th inst. in relation to the question of widening of Chestnut street between Tenth and Eleventh streets, "by pushing back the building line on the north side of the street," permit me to say that I referred it to the Road Bureau of this Department and send you herewith the following reply:

"MICHAEL J. RYAN, ESQ.,

City Solicitor.

"DEAR SIR:—I beg to return herewith letter of M. L. Cooke, Director of the Department of Public Works, to you, dated May 18, 1912, with the following information.

"On February 27, 1912, I wrote you recommending the repeal of ten ordinances and the amendment of one. Among the ordinances suggested for the repeal was an ordinance to authorize the opening of the unopened portion of the north side of Chestnut street, between Tenth and Eleventh streets, approved the 25th day of May, A. D. 1911, which reads as follows:

" 'SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That the Department of Public Works be authorized and directed to notify the owners of property over and through which the unopened portion of the north side of Chestnut street, between Tenth and Eleventh streets, will pass, that, at the expiration of three months from the date of said*

notice, said street will be required for public use.

“‘SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall proceed to open said street.’

“On March 7th I wrote you giving the reasons for the recommendations in each case, and in regard to the repeal of the ordinance of May 25, 1911, my recommendation was: ‘Under ordinance approved March 31, 1884, the widening of Chestnut street is a gradual process, taking place whenever the property owners desire to alter the fronts of their properties. This present ordinance is an ordinance which compels the owners on the north side of Chestnut street, between Tenth and Eleventh streets, to set back to the new line at once. It would involve the City in great expense, and is not desired by some of the property owners.’

“You will recall that this Department had a hearing before the Highway Committee of Councils on the repeal of the ordinance, which had been recommended by both you and Mayor Blankenburg, and the Highway Committee decided to refer them back to Councils with an unfavorable recommendation. I understand, although I have no official information, that Councils have taken action and discharged the Committee.

“I am strongly of the opinion that Director Cooke’s suggestion should be adopted, and that the owners of the Chestnut Street Opera House should be notified that they will not be required by the Department of Public Works to comply with the terms of the ordinance of May 25, 1911, until the summer of

1913, as they desire. How far this will involve the Department of Public Works in a controversy with Councils I am not prepared to state. The bond of the City has not been filed.

(Signed) "EDGAR DUDLEY FARIES,
"Assistant City Solicitor."

Very truly yours,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 21, 1912.

*In re correcting inequalities in grade of adjoining
sidewalks.*

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of May 14th from the Chief of the Bureau of Highways and Street Cleaning, approved by you, with reference to correcting inequalities in the grade of adjoining sidewalks.

The ordinance of May 3, 1855, as you state, provides for a maximum slope of one-half inch to the foot from the house-line to the curb, but provides no minimum slope, hence different grades of the pavement at the houseline within the maximum allowed have in some cases been adopted by adjoining owners with the result that there is a variance in the height of the sidewalk at the house-line of several inches, forming an obstruction in the pavement, and possibly laying the City open to damage suits for injuries resulting therefrom.

You state that it is proposed to introduce an ordinance in Councils requiring property owners to obtain grade stakes from the District Surveyors before laying pavements

in the future, but desire to be informed what action can be taken to obviate the conditions described as to existing pavements.

This Department has taken the liberty to confer with the Chief of the Bureau of Surveys as to the practical aspects of the matter, and it is his suggestion that the ordinance to be introduced would be more efficient for the purpose in view if, instead of requiring the stakes to be obtained from the District Surveyors, a fixed rate of descent from the house-line to the curb should be established instead of a maximum rate, except that on corner lots the requirement should be to obtain the grade stakes from the District Surveyors.

With respect to existing conditions, I find no ordinance which would authorize the giving of notice to the property owners to adjust their sidewalks so as to avoid such difference in the grade thereof. It would perhaps be advisable to introduce an ordinance for this purpose also, or, since the obstructions thus occasioned are said to be not very numerous, and since the persons who have laid these pavements did not violate the ordinance then in force, it might perhaps be best, in order to avoid the confusion of apportioning the cost between adjoining owners and to prevent objection, that a sufficient sum be appropriated to enable the adjustments to be made in existing pavements at the cost of the City. The Chief of the Survey Bureau regards this as the most practicable way of meeting the difficulty, and the suggestion is made for your consideration.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 23, 1912.

*In re right to hire steam rollers for use on macadam and
country roads and charge to appropriation for repairs
to streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 20th inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, stating that an ordinance was introduced in Councils some weeks ago to permit the Director of the Department of Public Works to hire steam rollers for the purpose of putting macadam and country roads in suitable condition for travel, and that as some of these roads are in a dangerous condition it is imperative that they should be repaired without awaiting the passage of such ordinance, and inquiry is made whether certain ordinances which have already been passed authorize this to be done.

The ordinances concerning which this question is asked are those of October 29, 1910, which authorizes the Department of Public Works to employ foremen, mechanics, helpers, laborers and drivers, with horses and carts, and to purchase materials, tools and appliances to make necessary repairs to bridges, sewers and highways; and another ordinance appropriating \$202,400 "To Item 62, for the maintenance of unpaved and macadamized public highways, small bridges, drains and steps, during the year 1912, including the furnishing, delivering, spreading and rolling of broken stone and screenings, and the hauling of ashes from the Shawmont and Roxborough Pumping Station, and spreading the same on the roads of the Twenty-first and Twenty-second Wards, west of the Wissahickon Drive."

The first mentioned ordinance would not authorize the hiring of steam rollers, as it is limited to the payment

of wages and the purchase of materials, tools and appliances.

I am of opinion, however, that the second ordinance would be broad enough to cover the hiring of the steam rollers, as this might very well be one of the items of "maintenance of unpaved and macadamized public highways."

The fact that an ordinance is pending to permit specifically such hiring of steam roller makes it somewhat doubtful whether the more general language of the appropriation to Item 62 applies to the particular subject which is under consideration by Councils in the special ordinance mentioned. As the latter, however, has not as yet taken the form of an enacted ordinance, and consequently has no conclusive legal effect, I think if the necessity for immediate action be urgent it would not be improper to utilize some part of the appropriation for the maintenance of highways in hiring steam rollers to be used in such maintenance until the appropriation for that particular purpose shall be made.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 24, 1912.

CIVIL SERVICE COMMISSION,
City Hall, Philadelphia.

GENTLEMEN:—I am in receipt of your letter of May 23d, asking my opinion in re the appointment of Eugene A. Kemper to the position of confidential clerk in my Department at a salary of fifteen hundred (1,500) dollars a year.

The 12th section of the Act of 1906, commonly known

as the "Civil Service Act," provides that "the following persons shall be included in the exempt class:

"1. The assistant Directors of the executive Departments.

"2. One secretary and one confidential clerk to the Mayor, and one confidential clerk to the Director of each executive Department."

By the Act of June 1, 1885 (P. L. 49), Article 2, Section 1, the Department of Law is made an executive Department of the City of Philadelphia. The head of that executive Department therefore is entitled to one position—a confidential clerk—in the exempt class by the Act of 1906. It will be seen, therefore, that the appointment of Eugene A. Kemper, in my opinion, was made by virtue of the authority of the Act of 1906, and is, in my opinion, a legal and valid appointment.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 24, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your communication of May 20, 1912, enclosing bill of the Barber Asphalt Paving Company for one hundred and seventy-two dollars and ninety-three cents (\$172.93) for paving on the north side of Tabor street and the east side of Third street in front of property of the First Presbyterian Church of Olney.

Under the ordinance of Councils, approved April 13, 1912, an appropriation was made to pay the amount of said bill, provided said bill be first assigned to the City of Philadelphia for cancellation.

I would therefore suggest that the bill be assigned by the Paving Company to the use of the City, and also that the Paving Company obtain a certificate from the Prothonotary of the Court of Common Pleas that no lien has been filed against the premises in question from December 1, 1911. It will not be necessary to forward the bill to this Department, as the record of cancellation should be filed in the Department of Public Works.

I return herewith the bill and copy of ordinance referred to.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 25, 1912.

*In re transfer of Bureau of City Property to Department
of Public Works.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—In reply to your letter of the 24th inst., asking whether as Chief Executive of the City you have the right to transfer the Bureau of City Property to the Department of Public Works, where it properly belongs according to the Bullitt Bill, and stating that appropriations have been made to the Bureau of City Property under the Department of Public Safety, and asking whether it would require transfer bills at the hands of Councils to enable the Bureau to carry on its business—permit me to say that on January 2, 1912, I wrote to you the following letter which covers, I think, the entire subject excepting whether you would have the right to transfer the Bureau as Chief Executive:

“Replying to your request of even date for an opinion relative to the Bureau of City Property, I

find that Article 3, Section 7, of the Act of June 1, 1885 (Bullitt Bill), provides that the 'care, management, administration and supervision of the police force, and of matters relating to public welfare, fire and police force, fire alarm, telegraph, erection of fire escapes and the inspection of buildings and boilers, markets and food sold therein shall be in charge of' the Department of Public Safety.

"Section 1 of Article 4 of the same Act provides that the Department of Public Works shall have 'the control and administration of the Water Works and Gas Works owned and controlled by the City, the supply and distribution of gas, grading, paving, repairing, cleaning and lighting of streets, alleys, highways, and the construction, protection and repair of public buildings, bridges and structures of every kind for public use, public squares, real estate (except such as now or hereafter may be used for police purposes), surveys, engineering sewage, drainage and dredging, and all matters and things in any way relating to or affecting the highways, footways, wharves and docks of the City.

"By ordinance of June 30, 1886, which was passed by Councils to carry into effect the Act of June 1, 1885, it was provided that the Department of Public Works should embrace the Department of Markets and City Property. The subsequent ordinance of March 22, 1888, Section 1, page 191, transferred this Department to the Department of Public Safety under the title of Bureau of City Property.

"In view of the foregoing provisions of the Act of 1885, I am of the opinion that the proper Department to which the Bureau of City Property should be attached is the Department of Public Works. It would therefore be wise to suggest to Councils the advisability of transferring to the Department of Public Works the item of appropriations already made by them to the Department of Public Safety for the Bureau of City Property."

Unquestionably, by mere order, you may enforce a compliance with the Bullitt Bill and disregard the ordinance of Councils which directed that the Bureau of City Property should be a part of the Department of Public Safety. The difficulty, however, is that appropriations for the Bureau of City Property have been made to the Department of Public Safety, and, therefore, while you have the power to direct the change, the mode of appropriations would stand as a barrier to effectiveness, and I therefore repeat the suggestion in the letter of January 2d. that it would be wise for you to suggest to Councils the advisability of transferring to the Department of Public Works the item of appropriations already made by them to the Department of Public Safety for the Bureau of City Property.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 25, 1912.

In re electrical work in buildings under control of Board of Education.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 24th inst., enclosing a letter to yourself from the Chief of the Electrical Bureau, in which inquiry is made as to the duties and responsibilities of the Electrical Bureau so far as they relate to work in buildings of the Board of Education, and referring to the ordinance of July 1, 1908, page 170, which places electrical matters appurtenant to or in any manner connected with any building, structure or property belonging to the City of Philadelphia, or any branch, Department or Bureau thereof, under the super-

vision, control and regulation of the said Electrical Bureau.

By the Act of May 18, 1911 (School Code), the property formerly belonging to the City of Philadelphia which is used for educational purposes, is transferred to the School District of Philadelphia, which is made a separate body. Such property cannot, therefore any longer be described as belonging to the City of Philadelphia, and hence the Electrical Bureau has no further duties or responsibilities in connection therewith.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 27, 1912.

In re automobile horns.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry whether the Claxon horn is a toot-horn, or horn sounding one note only, within the meaning of the ordinance of June 18, 1906, relative to horns to be used upon automobiles.

As to the Claxon horn, you state that the makers claim that "it really comes within the ordinance of 1906, in that it is a horn of one note, and if properly used is not unnecessarily noisy, but that being an electric horn, and stronger than the old bulb horn, it is a safer and better warning device." Every maker of every horn will make the same claim and with probably the same force, and this office will not approve even indirectly of any special device.

What may be the particular characteristic of any horn is a matter of fact upon which this Department cannot

venture an opinion as a matter of law. As a matter of fact, it would seem to me that the toot-horn, or horn sounding one note only, would define a horn without regard to whether the sounding was done by means of electricity or by pressure upon a rubber bulb, and it is hardly probable that a screeching horn complies with the requirement of the ordinance.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 27, 1912.

*In re enforcement of Act of June 7, 1911, regulating use
of billiard tables.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—With reference to the enforcement of the Act of June 7, 1911 (P. L. 668), to restrain and regulate the use of billiard tables, etc., in cities of the first class, I have given considerable attention and thought to the matter involved and have come to the conclusion that it would, perhaps, be wise to suspend proceedings under the said Act until the next session of the Legislature, when efforts may be made to have the Act amended so as to be more susceptible of enforcement.

The Act is crude, vague and indefinite in many respects, but is chiefly defective in that no penalty is provided for violation of its terms.

The Act is somewhat elaborate in respect to regulations to be adopted, methods of application for licenses, etc., yet by some oversight, while it is declared to be unlawful to keep or maintain billiard rooms, etc., "except a license therefor shall have been previously obtained as herein-

after provided," on failure to obtain such a license there is no punishment provided by the Act, and it may therefore be disregarded with impunity, except possibly, that the City may proceed summarily to close unlicensed billiard saloons or indict them as nuisances. Moreover, it is exceedingly doubtful whether the State License Act imposing other license fees, is or is not repealed.

These omissions and ambiguities make the Act so uncertain and difficult of enforcement that unless there is some serious objection to so doing, I would suggest that the matter be left in abeyance and the subject brought to the attention of the next Legislature.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 28, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry of May 27th, whether Harry A. Markley, who is Purveyor in the Fifth District, Bureau of Water, at a salary of \$1,480 per annum, holds an incompatible office in that "he has held a position in the Poor Board for several years past and is at present serving on this Board," for which he receives a salary of \$150 per annum.

Upon inquiry I learn that Mr. Markley is a member and is treasurer of the Poor Board of Roxborough. None of the Acts with respect to incompatible offices is applicable unless it be Art. XV of the Act of June 1, 1885, which provides that "no person shall hold more than one office of profit in any City Department, and no person shall hold any office of profit under the City or any Department thereof while holding any other official or representa-

tive position of profit in or under the Government of the United States, of this Commonwealth, or of such City, except in the militia service of this Commonwealth.

The Poor Board of Roxborough is not supported by the ordinary taxation levied by the City, but raises its own funds by taxes which that Board itself levies.

I do not think the treasurership of this Board, paying a salary of \$150, is an official or representative position of profit under the Government of the City within the meaning of that section of the Act of 1885, or that there exists a statutory incompatibility between the two offices held by Mr. Markley.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 28, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—In reply to your inquiry as to whether or not it is possible to consider the real estate owned by the City of Philadelphia, and which amounts in value to about one hundred and ten millions of dollars, in the calculation of taxable property, so that the borrowing capacity of the City may be correspondingly increased, permit me to say that Article 9, Section 8, of the Constitution of Pennsylvania provides that the debt of any City “shall never exceed seven per centum upon the assessed value of the taxable property therein;” and by Article 9, Section 9, it is provided that:

“All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under the general laws, but the General As-

sembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity."

In the case of the *Directors of the Poor vs. School Directors*, 42 P. S. R., p. 21, it was held by Chief Justice Lowrie:

"The public is never subject to tax laws, and no portion of it can be without express statute. No exemption law is needed for any public property held as such."

In the *County of Erie vs. Erie City*, 113 P. S. R., p. 360, it was held that:

"A municipality is not subject to the general tax laws, and its property, owned or used for public purposes, is not taxable, unless specifically made so by law."

By Section 5 of the Act of Assembly of June 4, 1901 (P. L. 364), it is provided that:

"Public property used for public purposes shall not be subject to tax claims or municipal claims."

In view of the foregoing, I am clearly of opinion that the real estate owned by the City of Philadelphia and used for public purposes, cannot be considered as "taxable property" to be included in fixing the basis for determining the borrowing capacity of the City.

A few days since, in reply to your inquiry as to whether or not the personal property owned by citizens within the City of Philadelphia, and which is assessed for State purposes, could be considered in estimating the City's borrowing power, I answered you setting forth the law upon the subject as I found it. I stated in detail the possibilities of the City in that respect and, as was my duty, pointed out the way by which the next Legislature could give to the City the power to avail itself of the as-

sessed value of the personal property of its citizens as a basis for increased loans. I also submitted to you that the law, as it now stands, authorizes the imposition of an "occupation tax," but did not, of course, recommend making use of this power. I merely advised you of the legal existence of this power, so that you, and through you all the citizens of Philadelphia, might know exactly the extent of their possible obligations, rights and powers. In pointing out the possibilities of an "occupation tax," I distinctly stated that such tax could be made use of without making it a burden upon the citizens, but did not advise or recommend its adoption, as such advice would not have been within the domain of my duties. I merely stated the law as it exists, so that you and your advisers might know the extent of the City's corporate powers.

In answering directly the question you now propound, I feel, however, that it would not be without profit to avail myself of this opportunity to add a word explaining to the people of Philadelphia in some detail the sources of the City's revenue and the present condition of their financial affairs.

In many respects it is discouraging. We have very nearly reached the limit of our borrowing power. After deducting all the assets in the Sinking Fund, the City owes to-day over ninety-four million dollars, and on the first of July next this will be increased by four million dollars, making a total of over ninety-eight million dollars, and within a few months the loan authorized, but not issued, for payment of grade crossings, will have to be negotiated. This will make our net funded debt over one hundred million dollars. The total possible indebtedness under the law is about one hundred and five million dollars. Under existing conditions, therefore, it must be manifest to every thinking person that it is absolutely impossible to build the needed subways on Broad street, with the spurs on Frankford road, Kensington avenue, Ridge avenue, and Girard avenue; to improve the harbor facilities by the erection of adequate wharves; to construct the new sewage plant ordered by the State Board of Health; or to finish the number of half-completed pub-

lic improvements, such as the Parkway, boulevards, playgrounds, etc., within the City's bounds.

Earlier in the year I called attention to the fact that there were pending in the Road Bureau of the Department of Law claims and awards for land damages amounting to nearly nine million dollars. While this Department has been combating excessive awards and has been successful in reducing claims, nevertheless a large proportion of this amount will have to be paid by the City. Under the system now existing, with prompter action of the new Board of Viewers and the policy of this Department to be ready to proceed to trial in every case when called before a jury, there will be speedier liquidation of the amounts due from the City. I do not believe it honest to deny justice or by delaying justice to any suitor against the City, and in any consideration of municipal liabilities the immediate probability of the payment of a large proportion of the claims referred to must be borne in mind. In the words of an illustrious American, "It is a condition, not a theory, that confronts us"—and that condition requires that there must be either an increased tax rate, retrenchment and reduction in public expenditures, and a concession of the taking of lands for public purposes, or the finding of new sources of revenue or increased power to borrow money.

Good only can result from a full knowledge of the exact facts and a public discussion of them conducted in a proper spirit.

These are the main sources of the City's revenue:

During the year 1911, there was collected	
from the current tax upon real estate..	\$20,678,856 57
There was collected for delinquent taxes..	1,469,917 39
From the State of Pennsylvania, there was	
received as the City's proportion of the	
personal property tax	1,636,261 31
From water rent, etc., there was received..	4,808,282 21
From the United Gas Improvement Co.	
(being the difference between the \$5	

cents which the U. G. I. Co. retains and \$1.00 which the consumer of gas pays for each one thousand feet of gas consumed, and which 15 cents is in effect an extra tax to that amount).....	1,304,028	78
From the State of Pennsylvania, for the School Fund	877,789	60
From the City Treasurer (mainly from retail liquor licenses)	2,007,205	94
From the Philadelphia Rapid Transit Co. for the care of the streets and in lieu of license charges, etc.	502,219	43
From the Recorder of Deeds.....	236,554	30
From the Register of Wills.....	130,399	32
From interest on City deposits.....	353,297	04
From the Law Department.....	229,818	91
From the poll tax.....	63,080	10
And from the various Departments, County officers, license fees of various kinds, returns of magistrates, etc., etc.,	2,031,136	74
Making the total revenue from the City..	\$36,328,847	64

Great as these revenues are, they are not sufficient to carry on the business of Philadelphia. for the total expenditures during the year 1911 amounted to \$46,300,889.76, making a deficiency of nearly \$10,000,000, which had to be met by borrowing money.

In considering the financial problem, this also must be remembered, that for the current year one-third of the amount received from taxes upon real estate must be paid to the Board of Public Education; and in addition, it should be remembered that the Board of Public Education has brought suit against the City to recover the money paid to the City by the State during the year 1911, which amounted to \$877,789.60, which action is now pending.

It is imperative that there shall be found new sources of revenue and bases of borrowing power, and one happy so-

lution, involving absolutely no new burden upon any one other than the revenue necessary to meet interest and sinking fund charges, will be the change of the law by the next Legislature so that the personal property returns within the County of Philadelphia, to the amount of more than \$570,000,000, may be regarded as "taxable property" for City purposes. I doubt not that with a more effective administration this sum could be very largely increased, but even taking it at its present value and adding it to the taxable property already available, more than \$40,000,000 could be borrowed with which to undertake the building of the public improvements so absolutely needed.

As to an "occupation tax," which could be made effective without Legislative intervention and simply by Councilmanic action, let me repeat that there was no suggestion upon my part to burden any wage-earner, store-keeper or professional man. In the foregoing schedule of sources of revenue there is the item of tax, \$65,000. That means that more than 130,000 people paid a tax of 50 cents. The revenue return is comparatively small, but if those 130,000 people had the value of their occupations assessed and paid a tax at a rate to average even 25 cents each person, the City would be able upon this assessment of taxable value to borrow large sums of money, give employment to a great number of idle workmen, could develop remote parts of the City and could speed the improvements of the municipality onward. It is said that there are more than 200,000 individual owners of real estate in the City and an increased burden upon the real estate of our citizens would be regarded as an injustice and might be resented. But, by the creation of new loans and a system of judicious borrowing, the future can be made to pay for the present development, which the future will enjoy, and the burden of the present will be comparatively light. There are probably 400,000 people in Philadelphia upon whom an occupation tax could be assessed. This tax need not amount to the equivalent of 25 cents a year each; and yet, if an average assessment of \$1,000 on the value of such occupation was made, the aggregate sum of values would be \$400,000,000, upon

which there could be added to the borrowing power \$28,000,000, and yet the direct burden would be only a few thousand dollars more than the amount that is now paid for poll tax receipts alone. But I repeat that I mention this form of taxation for your information as a power, but I do not at all recommend it.

I need hardly call to your attention that those who indulge in willful misrepresentation of any and every plan suggested for the solution of the financial troubles that beset this administration are those who have supported unqualifiedly every extravagance and municipal wrong of recent years.

Luckily they are comparatively without influence, and while they may cloud the minds of a few, the great and larger public of Philadelphia desires the success of your administration and will hold up your hands to secure it, even though it may involve some little extra burden upon them, for the people will not fail to remember and give just consideration to the fact that the new administration is the heir to years of misrule, corruption and extravagance, and that for these sins the penalty must be paid.

Personally, if I may present the suggestion to you and your financial advisers, I favor the appeal to the next Legislature to give to Philadelphia the benefit of the personal property within its borders as a borrowing asset, because in so doing, the revenues of the Commonwealth will not be diminished, no appreciable added burden will be placed upon any one, and public improvements may be accelerated in Philadelphia.

The recent amendment to the Constitution, by which it was hoped that needed subways might be built and harbor development prosecuted, seems to have been so phrased, whether designedly or otherwise, that the splendid purposes sought to be obtained are probably rendered nugatory. This, however, will be better determined when the result of the labors of the Commission, the authority for whose creation and the expense of whose work have been sanctioned by Councils, shall have reported to you. There is involved in making the Constitutional Amendment ef-

fective the financial question as to whether or not it is possible to build the subway with such speed and to rent it upon such terms that within the time apparently provided for the creation of the Sinking Fund, for the redemption of the bonds issued, so high a rate of interest could be paid as would meet the requirements of the law in this respect. That is, whether the improvement would yield to the City current net revenue in excess of the interest on said debt or debts and of the annual instalments necessary for the cancellation of said debt or debts. The whole problem, however, would be of easy financial solution if long term bonds could be issued and if the time for the completion of the Sinking Fund could be extended to fifty years or a longer period.

I mention fifty years, or a longer period, advisedly, notwithstanding that by Article 9, Section 10, of the Constitution of Pennsylvania it is provided that:

“Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.”

I am strongly of opinion that much can be said in favor of the contention that this requirement for the liquidation of the new unlimited debt, if I may so use the phrase, does not require the making of a provision for payment thereof “within thirty years.” Whether or not it will be necessary to seek judicial decision upon this question can be determined best after the cost of the proposed subway has been ascertained and the possibility of securing its operation by some leasing company.

The practical application of the Amendment, as I have heretofore written to you, is a problem more financial than legal, and I hope that you will be able to secure not only competent but disinterested advice in solving the great difficulties that confront you.

Philadelphia needs to go ahead—and she must move onward. Suggestions offered for the betterment of the municipality should be met with neither carping criticism

nor personal nor partisan malignity. In the uplift of the municipality, there should not be any question of politics, as men of all parties bear the burden of the depression as they share in the prosperity of the whole City.

I venture the suggestions at this length with the hope that the actual knowledge of conditions will be beneficial; that honest discussion will be productive of good; and that as a result of the accurate knowledge of the existing conditions, a healthy non-political sentiment will be created which will find reflection in the next Legislature enacting judicious new laws and repealing old fettering laws, so that Philadelphia may enter upon a new era of prosperity.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 28, 1912.

In re signature of orders for setting curb and repairing footways.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of letter of the 23d inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring whether in the order issued by that Bureau to the contractors for setting curb and repairing highways at the expense of the property owners, it is necessary that such order should be signed personally by the Chief of the Bureau, or whether the duty of so signing may be delegated to some other official.

I do not find anything which requires that the order for the contractor to proceed with the work requires the personal signature of the Chief of the Bureau. The ordinance of February 11, 1889, page 12, under which this

work is done, provides that it shall be the duty of the Director of the Department of Public Works to cause the necessary work to be done under the contract entered into in accordance with the provisions of that ordinance, and I am of opinion, therefore, that the duty of personally signing the orders may properly be delegated to some one other than the Chief of the Bureau.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 29, 1912.

*In re certificate of measurement by Surveyor for repairs
to paved streets.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your letter of the 28th inst., stating that a bill and warrant from the Department of Public Works (Bureau of Highways) in favor of the Eastern Paving Company for repairs to paved (railway) streets has been received by you without the certificate of the Surveyor and Regulator of the district as to the correctness of measurements, which is an innovation from the method heretofore pursued. You inquire whether you would be justified in countersigning a warrant for the amount of said bill in the absence of such certification.

The ordinance of May 12, 1864, page 212 (Brown's City Digest, p. 386, Sec. 23), provides that "it shall be the duty of each and every District Surveyor to measure all repairing of paved carriageways before the same shall be covered with gravel, and it shall be the duty of the Controller to withhold his signature from all warrants for the payment of any repairing done after the passage

of this ordinance, unless it shall be first certified by the District Surveyor that such repairing was measured before the same was covered with gravel."

This ordinance, so far as I am aware, is still in force, and though gravel is, perhaps, no longer generally used in the present paving of carriageways, which is now commonly done with asphalt, yet the general purpose of the ordinance to require the certification by the District Surveyors of the measurement of repairs to paved streets still remains, and it would follow that your duty requires you to be furnished with such certificates of measurement before countersigning warrants for the work of making the repairs.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 29, 1912.

In re investigation of jurors by police.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—In reply to your letter of the 23d inst. in relation to the reports by the police as to the various jurors in the Common Pleas Courts, permit me to say that in my opinion the police ought to be able to answer the inquiries sent out from this office without any call by them at the residence of the person about whom the inquiries are made. The City has a great number of cases appearing upon the list for trial at each term, and it is of very great importance that something of the history of each juror should be known. The police, however, ought not to be permitted to make this kind of inquiry for private persons or corporations and for no official except the City Solicitor, who represents the municipality. During

the next three months there will be no need for any inquiries, and in the interval I may be able to devise some better plan of investigation.

In further reply to you, permit me to say that under my administration no question has been asked by this office as to a man's religion. I do not think that is a legitimate subject of inquiry. I am opposed to its being made use of whether for a question to a juror, for the getting a man into office, or for depriving him of one.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 29, 1912.

In re transfer of Bureau of City Property from the Department of Public Safety to the Department of Public Works.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 27th inst. referring to an opinion delivered by this Department on May 25th, to the Mayor, with reference to the transfer of the Bureau of City Property from the Department of Public Safety to the Department of Public Works by executive action and without awaiting the passage of an ordinance for that purpose.

You state that "Director Porter will be glad to relinquish this work whenever the administration considers the proper time has arrived for the transfer, and this whether City Councils have taken action or not. He has already done this in the matter of the operation of the high pressure water service. We make up the pay-rolls and do all the administrative work, and once a month

give Director Porter the opportunity of approving the vouchers and warrants. This is all he has to do with it."

You inquire whether, with Director Porter's attitude such as it is, it would be possible to transfer the Bureau to the Department of Public Works.

The difficulty I had in mind when I wrote to the Mayor was concerned with the appropriations to the Bureau of City Property which had been made to the Department of Public Safety. If the Director of the latter Department is willing to sign warrants and approve the vouchers, although the administration of the Bureau is actually performed by the Department of Public Works, the obstacles to making the change in the manner proposed would not be insuperable, although I am still of the opinion that the more orderly and convenient method of procedure would be to have a transfer of the appropriations made to the Department to which the Bureau is attached.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 31, 1912.

In re fencing off the sidewalk on north side of Walnut street.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of May 28th, accompanied by one from the Chief of the Bureau of Highways and Street Cleaning, the latter approved by you, in reference to the fencing off of the sidewalk on the north side of Walnut street, from Broad street westward. The opinion of this Department is desired as to the right to issue a permit for the temporary closing of

said footway, and whether the City could be held liable for damages to business that might be claimed to result therefrom.

It appears that owing to the erection of a number of large structures at Broad and Walnut streets, the space on which building material might be deposited by the contractors for these buildings became much congested, and that as a result thereof permits were issued to the contractors to use the entire sidewalk for that purpose, fencing it off from the cartway. I do not find any warrant in the ordinances for the fencing off of the footway in this manner excepting the provision of Section 2 of the ordinance of May 3, 1855, page 145 (Brown's City Digest 358), which is to the effect that the Chief of the Bureau of Highways shall have authority to grant permits for temporarily enclosing footways where it may be deemed a necessary safeguard whilst tearing down any building. It will be observed that this relates only to the period during which the building is being torn down.

As to that part of the ordinance of November 12, 1855, to which the Chief of the Bureau of Highways calls attention and which relates to the construction of vaults under the highway, it is evident that this contemplates the building of a bridge or planking to be placed over the footway sufficient to allow passage thereon, and this provision therefore could not be construed to permit the entire fencing off of the sidewalk.

The requirement of the ordinance of June 2, 1887, Section 1, page 201, amending the ordinance of May 3, 1855, is that the builder is to be allowed as a place for depositing his materials used in the construction of the building a space equal to the entire frontage of the building and 80 feet in addition, but not to exceed nine feet in breadth and 13 feet in height, together with the other conditions provided by that ordinance.

I realize how, in the peculiar conditions prevailing in the several large building operations proceeding at the same time at Broad and Walnut streets, it may have been impracticable, if not impossible, to conform strictly to

the ordinance. Unfortunately, no provision appears to have been made for such exceptional conditions, and it may be supposed that your Department used its best discretion in disposing of the matter as it did.

Answering the questions asked me by the Chief of the Bureau, I would say that under the letter of the ordinances no right existed to issue permits for the closing of the footway except during the tearing down of the buildings. The permit having been granted, however, it may not be improper to leave those who complain of the obstruction to take such measures against the builders and contractors or possibly against the City as they may deem advisable. I do not think there is serious danger to the City's being held liable for damages to business claimed to result from the closing of the footway.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 1, 1912.

*As to payment of work done in repairing street without
certificate of measurement of Surveyors.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—Mr. Hopple, of this Department, informs me of your oral request to be advised whether work which has already been done in repairing streets may not be paid for though unaccompanied by the certificate of measurement of the District Surveyors, said work having been done in good faith and measured by the Highway Inspectors instead of the Surveyors, through a misunderstanding, and it being now impossible to have it measured by the Surveyors.

Under these circumstances I do not think you would be without justification in taking the responsibility of countersigning the warrants for said work as done up to this date and measured by the Highway Inspectors, although it is the duty of the District Surveyors to measure the same, as stated in the letter of this Department on the subject of the 29th inst. The measurement by the District Surveyors should be required hereafter.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 5, 1912.

In re contract with Consolidated Dressed Beef Co.

HERMAN LOEB, Esq.,
Director, Department of Supplies.

DEAR SIR:—In regard to the matter of the contract between the City and the Consolidated Dressed Beef Co. for the supply of beef to the Bureau of Charities during the year 1912, concerning which your Assistant Director, Mr. McLaughlin, has made further inquiry of this Department, I understand that bids having been invited for a new contract for supplying beef, the original contractor having defaulted with respect to the quality of that furnished by him, your Department has since been purchasing the beef from the lowest bidder under said new bids, but that no new contract has as yet been entered into in accordance therewith. On April 18, 1912, this Department wrote you in part as follows:

“If, as you state, the contractor continues to make delivery of bull and cow meat which is daily rejected, I think that the letter of which we prepared a draft might now be acted upon and the contract annulled, if you deem that course advisable.”

In view of the above-stated conditions, which have since arisen, I think that the original contract should now be annulled, as I am informed this has not yet been done. Thereupon the City Controller should be notified of the annulment of the original contract with a request that he re-credit to the item the amount charged against the contract, and that a new contract be made in accordance with the bids above referred to.

As to the beef furnished by the new contractor and others from whom purchases have heretofore been made to supply the deficiencies of the original contractor, I am of opinion that such purchases should be regarded as having been made in the open market under the terms of the original contract, and warrants drawn accordingly in favor of the parties supplying the beef. The new contract will then, of course, necessarily be limited to the amount available, after deducting payments made to the original contractor and to those furnishing beef in his stead.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 6, 1912.

A. R. II. MORROW, Esq.,

Secretary, Committee on Finance,
Select and Common Councils.

DEAR SIR:—Permit me to acknowledge the receipt this morning of your letter of the 5th inst., stating that “there is now pending in this Committee an ordinance to make an appropriation of two thousand nine hundred and eighty-two (2,982) dollars and fifty (50) cents to pay Thomas J. Whelan for money expended in grading Ninth and Tenth streets, from Pike to Butler street, in the spring of 1910,” and asking me to state what obligation

the City is under, if any, to pay this bill. Accompanying your letter is a portion of the report of Chief Connell of the Bureau of Highways to Morris L. Cooke, Esq., Director of the Department of Public Works, in which, after reciting the facts in relation to the work and its performance without authority or official approval, and that neither the District Surveyor nor the Highway Inspector has any knowledge of the figures on which estimate for the work was to be done, he states that the Bureau cannot recommend the passing of the ordinance. The Director of Public Works, on May 1, 1912, approved this report. You have therefore before you the opposition of the Department of Public Works to the payment of this claim, and there is no legal liability on the City to pay it and there could be no recovery against the City in any action for it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 6, 1912.

A. R. H. MORROW, Esq.,

Secretary, Committee on Finance,
Select and Common Councils.

DEAR SIR:—I am in receipt this morning of your letter of the 5th inst., stating that there is now pending in your Committee the following ordinance:

“Recognizing and approving the claim of Edward F. Fonder for twelve thousand eight hundred and forty-seven (12,847) dollars and eleven (11) cents for work done in the deepening of the channel of the Schuylkill river during the year 1909, and appropriating the money to the Department of Wharves, Docks and Ferries for the payment of the same, and directing the payment therefor,”

and asking me to render an opinion as to the obligation of the City in the matter of this claim.

In reply thereto, permit me to say that:

“On the thirtieth day of March, one thousand nine hundred and nine, Edward F. Fonder entered into a contract with the City of Philadelphia to ‘do and perform all the work and labor required to be furnished and delivered, done and performed in dredging City docks and bulkheads and docks into which municipal sewers empty in the Delaware river and the channel of the Schuylkill river, including sewers adjacent or near any pier, as may be ordered by the Director of the Department of Wharves, Docks and Ferries during the year 1909.’”

It was further agreed that the “total amount to be expended for the materials to be furnished and work to be done under this contract shall in no event exceed the sum of sixty-eight thousand (68,000) dollars.”

Mr. Edward F. Fonder has received from the City of Philadelphia two payments:

On December 31, 1909.....	\$56,163 71
On December 31, 1909.....	9,637 17
Making a total of.....	\$65,800 88

He subsequently executed a release, as follows:

“CAPTAIN JOHN M. WALTON,
City Controller.

“DEAR SIR:—I herewith agree to release the difference between the amount of my dredging contract dated March 30, 1909, \$68,000, and the exact amount of work done, \$65,800—amount, \$2,199.12.

“Very truly yours,

“EDWARD F. FONDER.”

The proposed ordinance avers that the payment is to be for work done at the request of the Mayor, and it recites that the said Edward F. Fonder had no contract with the City of Philadelphia for performing the said work but did the same without any contract.

The facts recited show that Mr. Fonder has no legal claim against the City of Philadelphia and can enforce no obligation against the City in the Courts. The former administration regarded the claim as untenable, and the present administration, under date of March 4, 1912, through the Assistant Director of the Department of Wharves, Docks and Ferries, has notified you that "no testimony has yet been adduced that would warrant the Department in reversing the attitude of the former administration."

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 11, 1912.

In re collection of Magistrates' fines.

JOHN M. WALTON, Esq.,

City Controller.

DEAR SIR:—Mr. Herman Muller of this Department has taken up with you the question of the fines imposed by Magistrates for the violation of City ordinances, and at his request I write, stating that it is the opinion of this Department that these fines should be paid here by the Magistrate and not returned directly to the City Treasurer. These sums are collected through the Law Department and by its efforts. Suits are brought by this Department and it should make the payments to the City Treasurer. Will you kindly notify Magistrates Eisen-

brown and McFarland that the sums collected by them in the suits instituted by the City should be paid to the City's representative and by the City Solicitor returned to the City Treasurer, and oblige,

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 11, 1912.

In re payment of license fees to City for billiard and pool tables, etc.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of June 6th, with a copy of one to yourself from Hon. Hampton L. Carson with regard to the payment of license fees to the City for billiard and pool tables, etc., in which Mr. Carson states that in view of the fact that the payment of the State Tax under the Act of May 25, 1907, is insisted upon, he will withhold in behalf of his client either the payment of such State tax or of the license charge made payable to the City by the Act of June 7, 1911. You recite a part of the letter sent you by this Department on May 27th last, and state that oral inquiries have been made at your office relative to the payment of the City license fees under the Act of 1911, and ask what reply you should make to Mr. Carson and whether it is the duty of the Department of Public Safety to require all proprietors of billiard saloons, etc., to obtain a license from the Board of Mercantile Appraisors upon payment of the State tax, or whether that duty should devolve upon the City Treasurer.

It is not your duty to take any action with respect to the State license fees payable under the Act of 1907. That is a matter for the State authorities exclusively.

In reply to Mr. Carson, it would be proper for you to send him a copy of the letter of May 27th, above mentioned, addressed to you by this Department, with a statement of your purpose to act in accordance with the suggestions contained therein (should that be your decision); and like information might be given to other inquirers.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 12, 1912.

In re paving Greene street, Germantown, with improved pavement.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of this date inquiring whether the appropriation out of loan approved June 19, 1911, to the Department of Public Works—to Item 55-d for repaving streets not occupied with railway tracks, not now paved with improved pavement—can be used to the extent of twenty-five thousand (25,000) dollars for paving Greene street, Germantown, with improved pavement.

In view of the circumstances stated by you with reference to the condition of this street, I am of opinion that the money concerning which you inquire may be used in the manner proposed.

Thanking you for your kind words in connection with this inquiry, I am

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 13, 1912.**In re charges for underground, overground and overhead wires.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of an inquiry from the Chief of the Electrical Bureau, approved by you, whether under the ordinance of March 30, 1883, page 68, a charge is imposed for every mile of wire or part thereof within the City limits, or whether those portions of any circuit which run over private property are free from charge.

The ordinance is one to regulate the introduction and use of underground conduits, wires and cables for electrical conductors in the streets of the City of Philadelphia and to provide for charges for underground, overground or overhead wires, etc. The charges to which reference is made are imposed by Section 7 of the ordinance for overhead wires and by Section 8 for those in underground conduits, etc. These sections do not in terms limit the charge to the mileage of wire in the public streets, but from the title and purpose of the ordinance this limitation would seem to be implied, especially in view of the fact that such license charges are legally supposed to be based upon an approximate estimate of the cost to the City for police supervision of the electrical wires upon its highways. Moreover, I am informed that the custom has always prevailed of interpreting the ordinance so as to apply only to those wires which are in or over the streets of the City, and in the absence of any reason for making a change an interpretation which has long been followed should generally be given considerable weight. On the whole, I would advise you that bills should be rendered under this ordinance, as they have been in the past, only for such lengths of wire as are placed in, under, or over the City streets and alleys.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 13, 1912.

In re penalties for failure to abate nuisances.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 10th inst. with reference to penalties for failure to abate nuisances when directed so to do by your Department.

Section 27 of the Act of January 29, 1818 (Brown's City Digest, 514), provides that "If the owners or occupiers of the premises on which any nuisance may be found, and the owners of the houses to which the said privies are appurtenant, shall, on due notice thereof, refuse or neglect to have the same immediately removed, emptied or corrected as aforesaid, he, she or they so refusing or neglecting shall forfeit and pay for every such offence any sum not less than twenty nor more than two hundred dollars, to be recovered and appropriated as by this Act directed."

The 29th section of said Act (Brown's City Digest, 536) makes it the duty of the health authorities to sue for and recover all penalties imposed by the Act before any Court, justice or magistrate having lawful jurisdiction, "and the same, when recovered and received, shall be appropriated and shall inure to the use of the institution under the management and direction of the Board of Health."

By Act of February 3, 1848, Section 2, P. L. 18 (Brown's City Digest, 517), however, it is provided that "whenever any penalty given by law to the Board of Health is not fixed and definite in amount, but varies at the discretion of the Court, the same shall in such cases be collected and recovered only by indictment."

The effect of the last cited Act would seem to be such that the penalties provided for failure to remove nuisances being indeterminate in amount, and varying at the

discretion of the Court, must be collected in the Court of Quarter Sessions by means of an indictment and criminal prosecution.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 21, 1912.

In re canal—Pennypack Creek north of House of Correction.

WILLIAM J. MILLIGAN, ESQ.,
Chief Clerk, Select Council.

DEAR SIR:—I am in receipt of your letter of the 19th inst., enclosing "Resolution of request to the Director of the Department of Public Safety to divert the course of Pennypack Creek, north of the stables of the House of Correction, by digging a canal to connect same with the Delaware River." The resolution (which I herewith return) recites by way of preamble that whereas Pennypack Creek, owing to its course as it runs through the grounds of the House of Correction and filter plant, occasions great difficulty in the delivery of coal and other materials to the House of Correction, and whereas the diverting of the creek would make about sixty acres of ground available for the City's uses, therefore it is resolved that the Director of the Department of Public Safety is requested to divert the course of Pennypack Creek by building a canal from a point north of the stables situate on the House of Correction grounds to connect with the Delaware River.

You state that the question raised is "whether the Pennypack Creek, as it flows through the House of Correction grounds, is a navigable stream and under the control of the United States Government."

Whether the Pennypack Creek is a navigable stream

depends largely upon matters of fact. So far as I am aware, however, I know of no reason to consider that stream a navigable one—that is to say, a stream which is or may be used for commercial navigation in its ordinary sense or in which the tide ebbs and flows. To be under the control of the United States Government, moreover, would require that it be used or usable for navigation for interstate or foreign commerce, or as an incident thereto. I think it reasonably clear that Pennypack Creek has not the latter characteristics.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 24, 1912.

In re legality of resolution of Councils.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I return herewith copy of resolution authorizing the crediting to Item 16, appropriation to the City Treasurer for 1912, of amounts paid and to be paid by the Board of Public Education covering its proportion of principal and interest on outstanding school loans for the current year, which resolution has been sent me by your Secretary, with a request for an opinion as to its legality.

Item 16 of the appropriation to the City Treasurer is that which is concerned with moneys to be used for Sinking Fund purposes, including payment of the principal and interest upon loans of the City, and, as the payments by the Board of Public Education are for the purpose of discharging the principal and interest due in 1912 on some of those loans, to wit, those which have been incurred for school purposes and assumed by the Board, Item 16 would

seem to be the appropriate one to which such payments should be credited, and I am therefore of the opinion that the said resolution of Councils is a legal one.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 25, 1912.

*Ordinance authorizing resetting of curb and repaving
south side Harlan street, between Eighteenth and
Nineteenth streets.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I return herewith ordinance to authorize the resetting of curb and repaving a portion of the south side of Harlan street, between Eighteenth and Nineteenth streets, together with letter to yourself from the Department of Public Works, Bureau of Highways.

It appears that on November 12, 1890, an ordinance was approved authorizing John B. White to retain platform scales on the south side of Harland street, between Eighteenth and Nineteenth streets, with a provision that the permission thereby granted should be revoked upon the passage of a resolution or ordinance to that effect, without notice, and (the platform scale) "shall be removed and the street placed in good order at the expense of said John B. White."

In view of the ordinance of 1890, it is suggested by the Chief of the Bureau of Highways that the curb should be replaced at the expense of John B. White, who has been dead for a number of years, while the present ordinance requires the City to pay therefor; and he asks that the matter be referred to this Department to "ascertain

whether the ordinance approved November 12, 1890, constitutes a lien on the property."

The ordinance does not constitute a lien on the property within the technical meaning of that term, but under proper conditions it is probable that the present owner of the property might be compelled to pay the cost of setting the curb, etc. But this pre-supposes:

First. That the Harland street of the ordinance of 1890 and the Harlan street of the present ordinance are the same.

Second. That the permission granted by the ordinance of 1890 has been revoked, which does not appear by anything contained in the new ordinance.

Third. That the change in the curb line and the repaving are necessitated or in some way connected with the platform scale or its removal. This fact likewise is not apparent on the face of the papers sent me.

The ordinary rule (aside from the peculiar circumstances here involved) is that where a change in the curb line is made for the purposes of the City and where the curb itself is not so out of repair as otherwise to require that a new one be substituted, the abutting owner cannot be compelled to bear the cost of such new curbing. (*Wistar vs. Phila.*, 17 W. N. C. 207; *Wistar vs. Phila.*, 80 Pa. 505; *Phila. vs. Wistar*, 92 Pa. 404; *Wistar vs. Phila.*, 111 Pa. 604; *Reading vs. Heilman*, 19 Super. Ct. 422).

Unless you are satisfied that the various questions of fact above referred to are to be resolved in favor of the City, I do not think your duty requires you to disapprove of the ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 25, 1912.**In re railings around areaways, etc.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—With reference to your inquiry of the 24th inst. in relation to the enforcement of the ordinance of March 28, 1894, I reply that Section 6 of that ordinance provides as follows:

“It shall not be lawful to build any fence of wood dividing or enclosing any property of a greater height than ten (10) feet from the ground, nor any fence beyond the building line: *Provided however,* That railings may be constructed around excavated areas now existing. This section shall not prohibit the erection of a temporary fence during building operations, but no such fence shall be erected more than five (5) feet from the building line.”

It has hitherto been the practice of the Bureau of Building Inspection to enforce the provisions of the above ordinance as relating to areaways leading to basements used for business purposes, and to compel owners to provide a hinged grating which when raised would act as a railing and when lowered would completely cover the areaway. In some instances, the owners have erected permanent brass or iron rails around the said areaway which has always been regarded by the Bureau of Building Inspection as contrary to the provisions of the ordinance above quoted.

The exercise of this jurisdiction on the part of the Bureau of Building Inspection has met with some opposition from the Highway Commissioners, who seem to feel that all questions relating to obstructions upon the highway should be left for disposition to their Department. I am of the same opinion, and believe that the authority of

the Bureau of Building Inspection should be limited to the building line, and if there are obstructions upon the highway, or areaways left uncovered upon the highway, they should be referred to the Bureau of Highways for action.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 25, 1912.

*In re authority to amend license for the construction of
a bulkhead between Green street and Fairmount ave-
nue.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 24th inst. relative to the application of the Philadelphia Rapid Transit Company for an amendment to a license granted that company in November last for the construction of a bulkhead on the east line of Delaware avenue as widened, changing the location of the bulkhead to the bulkhead line which is something over 100 feet east of the east line of Delaware avenue.

You state that "I see no objection to the amendment of the license, but as it was granted at a public hearing, after due advertisement, I doubt my authority to amend the license so granted without another application, advertisement and hearing."

I find nothing in Section 10 of the Act of June 8, 1907, by which section the granting of licenses is regulated, which authorizes a license to build or alter bulkheads or other similar structures to be amended except in pursuance of the method designated—that is, by application,

hearing, etc.—and I therefore agree in your view that the formal method of application, advertisement and hearing is required to be pursued.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 26, 1912.

In re authority to identify criminals by means of photography and Bertillion measurements.

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 24th inst. inquiring as to the authority of your Department, or its subordinate officers, the Superintendent of Police or the Captain of detectives, to identify by means of photography or Bertillion measurements, persons taken before the Committing Magistrates, whether or not they are known to be old offenders, on criminal charges, including misdemeanors, and stating that you have been requested by members of the Committee interested in the work of the Night Court to issue an order directing the Bureau of Identification of the Detective Division, to identify all such persons brought into the Central Police Station, with a view especially of securing the proper treatment of street walkers.

I think that the police authorities have power to take any measures reasonably calculated to suppress criminal practices, or to tend thereto, and which may not be unduly oppressive. It would seem that the identification of persons once formally charged with crime and brought before the tribunals of justice upon such charge is a step which with that end in view would be a justifiable one.

I would suggest, however, since the proposed measure is so closely identified with the administration of the criminal law, which is the hands of the District Attorney of the County, that you consult with that official upon the subject.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 26, 1912.

In re delegating authority to sign assessment bills for curbing and street repairs, etc.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 21st inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, in reference to the opinion of this Department of May 28th last, in which you were advised that orders to contractors for setting curb and repairing highways might be signed by some designated official in your Department. In the present communication it is stated that "the orders for setting curb also constitute a lien on abutting property, and I would therefore ask your opinion as to the legality of designating a subordinate to sign these paving and footway bills, as well as the curb orders."

The former communication related merely to the order to the contractor to proceed with the work, and was based upon the provisions of the ordinance of February 11, 1889, page 12, which after providing for the making of an annual contract for doing all of such work, further provides that when in the judgment of the Director of the Department of Public Works any footways require to be paved, repaired, etc., or the curb stones to be set or reset,

he is authorized to give written notice to the owner or owners of the property adjoining to do the work, and upon default "it shall be the duty of the Director of the Department of Public Works, and he is hereby authorized to cause the necessary work to be done under the contract entered into in accordance with the provisions of this ordinance."

The giving of an order to the contractor to do the work is merely a matter of routine, and the duty of the Director of the Department to cause the work to be done is discharged when he procures such notice to be given, though he do not personally sign it.

The present inquiry, as I understand it, relates to the paving and footway bills, which after the work is done are given to the contractor who presents them to the property owner, and if they are not paid files a lien against the property. With respect to this step in the proceedings, the ordinance of August 30, 1858, Section 2, page 256 (Brown's City Digest 320, Section 37), provides that when the District Surveyors shall have measured the work chargeable to the property owner and made out bills for the same, "it shall be the duty of the Commissioner of Highways (changed by ordinance of December 30, 1886, Sect. 28, page 350, to the Chief of the Bureau of Highways) to certify on the said bills that the paving has been done in a workmanlike manner and in conformity with the requirements of the first section; and no owner of property shall be liable for the paving of any street, lane or alley unless done in accordance with the foregoing ordinance.

It is seen from this that the certification as to the paving is made a condition precedent to the validity of the lien and is in a wholly different relation from the ministerial act of directing the contractor to proceed with the work.

In order that no opportunity should be given to defend against the lien on the ground of the omission of a method of procedure prescribed by ordinance, the directions of

the ordinance should be followed and the bills certified by the Chief of the Bureau of Highways and not delegated to any subordinate or deputy.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 27, 1912.

In re insurance—Saengerfest Hall.

HON. RUDOLPH BLANKENBURG,

JOHN M. WALTON, Esq.,

GENERAL LOUIS WAGNER.

Sinking Fund Commissioners,
Room 146, City Hall, Philadelphia.

GENTLEMEN:—You have sent me a letter addressed to yourselves from the Director of the Department of Public Safety, inquiring whether the Sinking Fund Commission will provide for the insurance against fire of the new Saengerfest Hall at the northeast corner of Broad street and Allegheny avenue, said hall being City property, and stating that the Saengerfest will start on Saturday next, by which time the building should be insured if any insurance thereon is to be effected. With the Director's letter is a copy of the letter from Messrs. Louis C. Madeira & Sons, setting forth the cost of insurance on the building and its contents under various plans and rates, which, together with the letter to yourselves, is herewith returned.

By ordinance of March 29, 1904, it is provided that perpetual insurance policies then covering real estate owned by the City and having a withdrawal value shall be forthwith cancelled, said withdrawal value to be

held by the Sinking Fund Commission. That ordinance further provides that the payment of annual or other periodic premiums upon fire insurance policies covering real and personal property then owned or thereafter to be owned by the City, or in which the City was or should be solely interested, "shall be henceforth discontinued, and such annual or periodic payments of premiums as would otherwise be made upon such policies or for the insurance of such property shall hereafter be made to the said Sinking Fund Commission." Provision is made by the said ordinance for the accumulation of an insurance fund of \$250,000, the surplus after that amount shall be reached being used to pay the City's bonded debt, and that when fires shall occur resulting in the injury or destruction of City property, the Sinking Fund Commission shall pay over from such insurance fund to the Department of the City Government charged with the rebuilding, repair or replacement of the property injured or destroyed, such sum or sums as may be necessary for the purpose or rebuilding, repair or replacement.

Under this ordinance, I am of opinion that the insurance fund so directed to be accumulated will be available to repair damage or injury from fire to the hall at the northeast corner of Broad street and Allegheny avenue, which has just been completed, and that until Councils shall direct otherwise, no authority exists for the taking out of insurance policies upon that building.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 28, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—You have submitted to me the following:

“OFFICE OF THE MAYOR.

“Philadelphia, June 28, 1912.

“Under authority conferred upon me by law, because I consider that this action is required by public necessity, I hereby call a special meeting of the Common Council of Philadelphia, to be held on Monday, July 1, 1912, at three o'clock P. M., for the transaction of general business.

“RUDOLPH BLANKENBURG,
“*Mayor.*”

The only warrant of law authorizing you to call a special meeting of Councils is to be found in the Bullitt Bill, wherein, by Section 1, it is recited that it shall be the duty of the Mayor, among other things, to “call special meetings of Councils, or either of them, when required by public necessity;” and the Act of February 2, 1854, Section 7, which authorizes the Mayor to “call special meetings of Councils to reconsider ordinances which he does not approve on three days’ notice to each member.”

If your purpose is to have Councils reconsider any ordinance which they have passed, you will be obliged to give three days’ notice for your call for a special meeting. There is no time limit under the Bullitt Bill, but if you act thereunder, upon you rests the responsibility

of calling a special meeting because of "a public necessity," the existence of which should be clear and commanding.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 28, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am in receipt of a letter from you of this date in which you state:

"I have understood that when ordinances of Councils are presented to me, I have ten days and until the next meeting of Councils following ten days in which (1) to attach my signature to the ordinances, or (2) to notify Councils of my disapproval of the ordinances."

You inquire as to the correctness of this understanding.

The subject is governed by Section 4 of the Act of May 23, 1874 (P. L. 230), which provides *inter alia* as follows:

"Every legislative Act of the Councils shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented, duly engrossed and certified, to the Mayor for his approval.

"The Mayor shall sign the said resolution or ordinance, if he approve it, or return the same to the branch of Councils wherein such resolution or ordinance originated, within ten days, or at the next

meeting of Councils after ten days have expired, if he does not approved it, with the reasons therefor; and if thereupon each branch of Councils pass the same within five days of such veto, by a vote of three-fifths of all the members elected to each branch, it shall become effective as though the Mayor had signed the same; it shall equally become effective if he should neglect to return the same within such ten days."

Under the provisions of this Act you have an interval of ten days from the passage of the ordinance, or, if Councils do not meet within that interval, then until the next meeting of Councils, wherever it may be held, to disapprove of it, which disapproval must be communicated at the next meeting of Councils. If it be not so returned to Councils with your disapproval, the ordinance becomes a law, whether or not it be signed, and it would result from this that it may be signed at any time, whether within or after ten days and before the next meeting of Councils, for whether it be signed or not signed, as above stated, it becomes a law if not returned with your disapproval within the ten days or to the next meeting of Councils succeeding the expiration of the ten days. For example: If a session of Councils be held on the first day of June, and another session on the eleventh day of June, any ordinances passed at the first of said sessions and not returned on the latter date with your disapproval would be effective. If, however, a session be held, say, on the first day of June, and none held again until the first day of September, then any ordinance passed on June 1st would become a law, unless returned to Councils with your disapproval at the session held September 1st, although more than ten days have elapsed between the Councilmanic sessions. Where the last day falls upon Sunday, the ten days' interval would be extended to include the succeeding Monday, and if Councils meet on such Monday your veto would have to be returned at that meeting.

The above has no reference to ordinances passed under the fifth section of the Act of 1874, providing for pay-

ment of moral obligations against the City where no legal liability exists. Such ordinances require the Mayor's signature in all cases.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 29, 1912.

*In re liability of contractor for repaving Market street,
under guarantee clause of contract.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter dated the 18th inst., from the Chief of the Bureau of Highways and Street Cleaning, duly approved by you, in reference to the liability of E. H. Vare, under his contract with the City of September 2, 1909, for repaving Market street, from Delaware avenue to the Schuylkill river, in view of a number of settlements of the paving done under said contract and occurring between Ninth street and Juniper street.

The contract called for the laying of wooden blocks upon a concrete foundation to be supplied by the contractor and under a guarantee of maintenance in good condition for a period of ten years from the date of completion. The guarantee clause appears in various forms in the contract, the following being a fair instance of such clause in its most sweeping terms:

“The contractor must guarantee the maintenance of the pavement or pavements in good order and repair for a period of not less than ten (10) years from the date of completion, or as authorized by ordinance, during which period of time he must maintain

the entire pavement, including the foundation, at the proper grade, and the contractor hereby agrees to adjust any inequalities or settlements that may occur in any portion of the pavement, supplying all necessary materials and doing all work necessary to properly adjust at the requisite grade all such depressions or settlements, and will deliver the pavement or pavements to the City in good order and repair and at the proper grade for the price per square yard of finished pavement named in his proposal without any additional allowance or compensation."

From the report of the General Inspector of the Bureau, which is included in your letter, it appears that the paving was laid above the subway, which had previously been built; that the contractor for the pavement was in no wise responsible for the filling underneath the concrete foundation, which had been placed by another contractor with the Philadelphia Rapid Transit Company; that the work of the latter contractor was carefully and properly done from the Delaware river to Ninth street, and from Juniper street westward, but between Ninth street and Juniper street the work was hurried in order that it should be completed and open for traffic by October 4, 1908, the first day of "Founders' Week," it being finished, within that area, only on the preceding day; that, to quote from the General Inspector's report, "the lack of care in filling between Ninth street and Juniper street seems to be notorious, and the consequent settling of the street was foretold by every one who saw the work done, including the contractors themselves," i. e., the contractors with the Rapid Transit Company; that the work of repaving was completed December 17, 1910, and no trouble was experienced from that date until December, 1911, when the first settlements began; that "all of the settlements of any consequence since 1911 have occurred between Ninth street and Juniper street. The openings made indicate that it may be attributed primarily to the character of the back fill and the carelessness in doing that work. The immediate cause in every case was the breaking of a water

main by subsoil settlements and consequent puddling of the back fill; that three openings have been made by the General Inspector as a result of which he states:

“From the surface to a depth of 11 feet, at which we stopped the excavation, we found every evidence of hurried back filling mentioned above, and it was not necessary at any time to use a pick. The material was a loose mixture of cinders, pieces of concrete, clay, sand and mica, brickbats, broken crockery and decayed lumber. Slightly better material was encountered about eight feet from the surface, but it was still so soft at 11 feet depth that a crowbar could be easily shoved down by hand, as was the case at the surface. Wherever we encountered lines of ducts or water pipes we also found cavities under them, and that in every case where I have broken through the concrete foundation of the paving I have found it in fine condition.”

To these statements of the General Inspector you add that you have “personally examined the back fill where these test pits were dug, and the indications were that the fill was not properly placed.”

The opinion of this Department is requested as to whether, in view of these conditions, the contractor can be held to his guarantee, or should the City be considered responsible for the settlements between Ninth street and Juniper street, where the settlements are due to the settling of the back fill.

I do not think that the guarantee of maintenance clauses in the contract for repaving Market street are to be considered as requiring the maintenance of the pavement for a period of ten years in any or all contingencies. For instance, if the pavement were to be destroyed by fire, or displaced by an earthquake or other casualty, it would, I think, be clear that these were conditions against which the maintenance clauses were not intended to insure the pavement.

From the General Inspector's report, apparently con-

curred in by yourself, it appears, as the above extracts disclose, that the settling of the pavement was not caused by any fault or deficiency in the manner in or materials with which it was laid. No settlements have occurred east of Ninth street or west of Juniper street. In the area between the latter streets the underlying surface appears to have been improperly prepared to receive the pavement, and even there, as I understand the situation, the wooden blocks and the concrete foundation were found to be in all respects proper, and the defective conditions to have been brought about by the bad character of the back fill and the carelessness of the doing of that work.

If the foregoing correctly represents the actual facts, I am of the opinion that, as to the territory in question—between Ninth street and Juniper street—the contractor for the repaving of Market street cannot be held liable under the guarantee clauses of his contract for results with which the manner of his carrying out that contract had nothing to do.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 2, 1912.

Temporary Convention Hall—advance payment on account.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Surveys, approved by you, stating that the contractor for the construction of the temporary Convention Hall has asked to be paid twenty-five thousand (25,000) dollars on account of the ninth payment of

\$37,000 for the work, which appears to be the final payment, and which the contract provides shall be paid when the work of the contract is completed to the satisfaction of the architect, and the building is approved and accepted by the Director of the Department of Public Works.

It is stated by Mr. Webster that the work as specified has been practically completed, and was, on Saturday, June 29th, accepted by the Director of the Department of Public Works on condition that the contractor would make certain alterations and corrections required by the architect, this being done in order that the building might be turned over to the German Singing Societies for the concert on Saturday evening, in accordance with their lease with the City. Accompanying the letter is one from the Southwestern Surety Insurance Company, the surety for the contractor, approving of the payment of twenty-five thousand (25,000) dollars at this time; and also a letter to Mr. Webster from Carl P. Berger, the architect, stating that in conformity with an agreement of last Saturday afternoon between himself and Director Cooke and the contractor, he (Mr. Berger) has prepared the certificate for part of the ninth payment under the contract to be operative "on receipt by you of Mr. Well's surety company of their approval in writing."

The opinion of this Department is requested whether you would be justified in paying the twenty-five thousand (25,000) dollars as a partial payment on account of the ninth payment specified in the contract, holding the remaining portion of the payment until the corrections and alterations required by the architect are completed in accordance with the plans and specifications. Great caution should be exercised in making payments in advance of those which are stipulated for in the contracts of the City, though in some measure the matter rests in the sound discretion of the Head of the Department in charge of the work which is the subject of the contract. If such advance payments are made at all, every precaution should be taken that the rights of the City may not be affected adversely and that all misconception and uncertainty shall be avoided. In the present case it is not stated whether

the twelve thousand (12,000) dollars, which is proposed to be retained, is sufficient to pay for the alterations and corrections which are to be made. Care should be taken not only that this sum is amply sufficient for that purpose, but that there shall be a considerable margin for possible errors or miscalculations. Moreover, it should be clearly understood and put in writing just what the contractor is to be required to do, so that there may be no room for misunderstanding on this head.

Bearing these precautions in mind, if, in your judgment, the interests of the City are properly and sufficiently safeguarded, and if reasons satisfactory to you have been presented which you think should permit you to deviate in this particular from the strict terms of the contract, I think you would be justified in making the payment requested.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 6, 1912.

In re placing streets on City plan—Act of May 3, 1909.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter from the President of the Board of Surveyors, bearing your approval, inquiring whether the Act of May 3, 1909 (P. L. 416), is to be interpreted to apply to streets open 21 years prior to the passage of that Act, or 21 years from the laying out and physical opening of the street.

The Act provides that the Councils of cities of the first class are authorized and directed to place on the City

plan of public streets all streets "which shall have been laid out and opened for 21 years," and which are less than 30 feet in width or have dead ends, or do not extend in a straight line from one street to another, whereupon such streets shall become public highways.

In my opinion, this Act is to be construed according to the natural meaning of the words used, and the requirement with respect to streets "which shall have been laid out and opened for 21 years" is applicable to streets of the kind described in the Act at any time when they shall have been laid out and opened for 21 years, and is not to be limited to streets laid out and opened for 21 years prior to the passage of the Act.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 8, 1912.

Employment and payment of an expert out of appropriation for the erection of building for the feeble minded.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your communication with respect to the appropriation of July 21, 1911, of \$250,000 to Item 52-D, "for the erection of buildings for the care of feeble minded persons."

You state that the buildings are now to be erected upon one corner of the property known as "The Byberry Farm," the rest of the property to be reserved for the erection of buildings for the care of the insane, and that to properly locate the buildings for the feeble minded it is necessary to employ an expert to map out the various build-

ings for both institutions. You inquire whether you may employ and pay such expert out of said appropriation.

If the employment of the expert for the location of the buildings is a necessary incident and preliminary to the erection of the buildings for the feeble minded, I am of opinion that a part of the appropriation would be available for the purpose in view.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 8, 1912.

PETER BOLGER, Esq.,

Secretary, Civil Service Commission.

DEAR SIR:—In reply to your letter of the 6th inst., in which, referring to the writ of alternative mandamus in the case of Eugene A. Kemper *vs.* the Civil Service Commission, you state that you will “take the liberty of employing counsel and will very much appreciate if you will advise us as to whether such counsel will be allowed reasonable compensation out of the funds of the Law Department”—permit me to say that there are no funds appropriated to the Law Department for the payment of private counsel for any of the Departments; and permit me to call your attention to the Act of Assembly of June 1, 1885, commonly known as the Bullitt Bill, which provides by Article 8, Section 1, *inter alia*:

“The City Solicitor shall be the legal adviser and act as attorney and counsel for the City and all its Departments and officers;”

and again:

“No Department of the City shall employ any other solicitor, but assistant counsel may be employed

in any particular matter or cause by the Mayor with the consent of Councils, but he shall be selected by the City Solicitor."

Immediately upon your referring to this office, as is your duty, the writ served upon you, I shall in due course designate one of my assistants to act for you, and regardless of my private wishes, he will give to this issue for you the fullest possible defence.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 10, 1912.

In re retaining wall, rear 3919 Terrace street, Manayunk.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter from the acting Chief of the Bureau of Highways and Street Cleaning, approved by you, with respect to the retaining wall on the rear of lot of James S. Crossland, 3919 Terrace street, Manayunk. It appears therefrom that this wall was built many years ago on the line of a twenty feet wide alley in the rear of the property; that Manor street was subsequently opened in the rear of the premises, being thereafter widened from twenty to thirty feet, which increased width included part of the retaining wall erected by Mr. Crossland, damages being paid him for the widening; that on March 12, 1912, this wall collapsed, as it is alleged, partly because of the construction of a water main in Manor street, which allegation, however, has not been proven.

The opinion of this Department is asked, in view of

the fact that part of the wall is on private property and part on the street, whether the cost of replacing this wall should be borne entirely by the City, entirely by the property owner, or in part by both. If the collapse of the wall was caused by the construction of the water main, the City would be responsible, either for its rebuilding or for the payment of damages equal to the cost thereof. If the construction of the water main was not the cause of the collapse, I do not think any responsibility would rest upon the City for the reconstruction of the wall.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1912.

In re decrease in salary fixed by Councils.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries,
Bourse Building, Philadelphia.

DEAR SIR:—I am in receipt of your inquiry whether you would be justified in making an appointment in your Department of a notice server at a salary of six hundred (600) dollars per annum, Councils having fixed the salary for that position at the annual sum of nine hundred (900) dollars.

By various Acts of Assembly, among which are those of February 2, 1854, Sections 46 and 47, May 20, 1864, Section 4, and May 21, 1879, Section 2, it is made the duty and province of Councils to fix the salary and number of clerks and employees of the City and the various Departments thereof, excepting those whose salaries are

fixed by law. The action of Councils in fixing such salaries is conclusive and the heads of Departments are without power to make any changes therein.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 13, 1912.

In re employment of landscape architects for completion of Plaza, South Broad street, and League Island Park.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 11th inst., which embraces copy of an ordinance authorizing your Department to employ expert landscape architects for the completion of the improvement of the Plaza, South Broad street, and League Island Park.

Section 2 of the ordinance provides that the compensation of such expert landscape architects shall be paid from such sums as are now available or may hereafter be provided for the carrying on of said improvement. You state that the appropriation for this purpose was made to the Department of Public Safety, and inquire whether the ordinance would be sufficient warrant for you to employ these landscape architects to be paid out of such appropriation to that Department.

There is no insurmountable obstacle with respect to the employment of the experts under these circumstances, but the fact that that duty is placed in your Department, to which is given power of supervision of the carrying out of the improvements, while the appropriation is made to the Department of Public Safety, presents some practical difficulty. If the work is not to be proceeded with

until Councils reassemble, I would suggest that the appropriation be transferred to your Department. If, however, it is desired to proceed at once, some arrangement should be made with the Director of the Department of Public Safety insuring the drawing by him of the warrants to pay the landscape architects employed by yourself and doing the work under your supervision, as directed by the ordinance.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 13, 1912.

Ordinance in re laying railroad tracks by the Twenty-second and Allegheny avenue Passenger Railway Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of the 12th inst., from the Chief of the Bureau of Highways and Street Cleaning, approved by you, enclosing copy of Ordinance No. 141, which, it is stated, was passed by Councils on July 1st, and which provides for the laying of railway tracks by the Twenty-second and Allegheny Avenue Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, on Tenth street, connecting with the tracks of said lessor company on Erie avenue and running northwardly to Lycoming avenue and westwardly to Old York road, connecting with the double tracks on Old York road, also double track extensions on Luzerne street and on Butler street from Tenth street to Old York road, connecting with the tracks on both of the latter streets, and to maintain and operate the overhead trolley system in connection therewith.

As the streets on which these tracks are authorized to be placed are not at present railway streets, and since the ordinance does not provide for any additional compensation to the City, inquiry is made whether the ordinance is drawn in proper form and is in accordance with the general terms of the franchise to the Philadelphia Rapid Transit Company.

The ordinance is in the usual, and seems to be in the proper form, and it provides for an extension of the tracks of the Twenty-second Street and Allegheny Avenue Passenger Railway Company to connect with tracks on various streets for the laying of which the permission of the City has already been granted. If it is deemed advisable by Councils to grant the present extension, they have the power to do so and to exact or to withhold terms.

The copy of the ordinance sent to me is herewith returned.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 18, 1912.

In re giving policemen two weeks' vacation instead of one.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 17th inst. (delivered to me at 12.30 to-day), asking whether it is not possible to give the policemen a vacation of two weeks instead of one, and stating that they are compelled to work from thirty to forty days on extra details for which they receive no additional compensation. This is the only communication on this subject I have ever received from you.

If they are thus compelled to do extra work, I am emphatically of the opinion that they should be compensated therefor. With respect to the length of their vacations, I find no law or ordinance limiting the period thereof to one week. I am therefore of the opinion that the matter rests in the sound discretion of yourself as head of the Department of Public Safety and is to be regulated by your judgment as to what will best promote the efficiency of the service.

Very truly yours,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 18, 1912.

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—As requested by you, I have considered the subjects referred to in the letter of A. Merritt Taylor, Esq., Transit Commissioner, addressed to you under date of June 14, 1912.

Most of the inquiries contained in the letter may be grouped under two headings. Mr. Taylor desires to be advised in a general way:

First. As to the authority (apart from the recent Constitutional amendment) existing on the part of the City of Philadelphia to build railway subways and elevated railroads and its power to raise moneys for the purpose.

Second. As to the authority of the City relative to such improvements and relative to the raising of the moneys therefor by virtue of the recent amendment to Section 8 of Article IX of the State Constitution.

These topics will be discussed in their order.

In Dillon on Municipal Corporations, Fifth Edition, Section 237, it is said:

“It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers and no others: First, those granted in express words. Second, those necessarily or fairly implied in or incident to the powers expressly granted. Third, those essential to the accomplishment of the declared objects and purposes of the corporation—not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation and the power is denied.”

The proposition so expressed is repeated approvingly by our Supreme Court in *Lesley vs. Kite*, 192 Pa. 268, and in *Cooley on Constitutional Limitations*, Seventh Edition, pages 271 and 272, it is said:

“The general disposition of the courts in this country has been to confine municipalities within the limits that a strict construction of the grant of powers in their charters will assign to them. * * * The reasonable presumption is that the State has granted in clear and unmistakable terms all it has designed to grant at all.”

A municipal corporation has a two-fold character—one being governmental or public, and the other being proprietary or private. Its governmental powers are under the authority of the Legislature, which is supreme, and without any limitation, excepting such as may be found in the Constitution. In its proprietary or private character, the municipality's powers are such as are conferred for the private advantage of its own immediate citizens, and not for the State at large, and in that respect it is to be regarded as a private corporation. This theory is elaborated upon in *Dillon on Municipal Corporations*, Fifth Edition, at Section 109, and in *Cooley on Taxation* at page 1305.

In the furnishing of gas and water to its citizens, the City of Philadelphia has been adjudged by our Supreme Court to have acted, not under any delegation of governmental power from the State, but merely as a private corporation and by virtue of Legislative authority granted for the purposes.

Western Savings Fund Society *vs.* Phila., 31 Pa. 175;
 Wheeler *vs.* Philadelphia, 77 Pa. 338;
 Bailey *vs.* Philadelphia, 184 Pa. 594.

The municipal charter of March 17, 1789 (2 Smith's Laws, page 462), which is still in force, gives the City Councils of Philadelphia "full power and authority to make, ordain and establish such and so many laws, ordinances and regulations as shall be necessary for the welfare and comfort of the said City." Whilst this has been considered by the Courts to be "a very extensive and most comprehensive grant of power" (Thayer, *P. J.*, in *Morton vs. City*, 4 Dist. Rep, 423, 544; Sterrett, *C. J.*, in *Commonwealth vs. Walton*, 182 Pa. 373, 376), the language is very general, and it is to be construed in connection with the purposes in view in incorporating the City. The power of the municipality as to the streets and highways is, by virtue of governmental authority, delegated by the State—power held by it as a governmental agency and as to which the control of the State is supreme. Whilst the streets are frequently spoken of as belonging to the City, the expression is not technically a correct one (*Comm. vs. Central Passenger Ry. Co.*, 52 Pa. 506). Under the provisions of our State Constitution (Article XVII, Section 9), the municipal consent to the use of the streets for railway purposes is required before such use can be made thereof, but such consent when given is in the nature of a secondary franchise only and the primary franchise, *i. e.*, the right to build and operate a railway upon or over or under the streets must come from the Legislature of the State.

In Dillon on Municipal Corporations, at Section 1163, it is said:

“Streets do not belong to the City or town within which they are situated, although acquired by the exercise of the right of eminent domain and the damages paid out of the corporation treasury. The authority of municipalities over streets they derive—as they derive all their other powers—from the Legislature, from charter or statute;”

and our Supreme Court has ruled that:

“Highways being universally the property of the State, are subject to its absolute direction and control. * * * A municipal corporation is a separate community, and hence a notion that it stands in relation to its streets as a State stands in relation to the highways of its territory. That would make it sovereign within its precincts—a consequence not to be pretended. * * * It would be strange, therefore, were the streets of an incorporated town not public highways subject, perhaps, to corporate regulation for purposes of grading, curbing and paving; but subject also to the paramount authority of the Legislature in the regulation of their use by carriages, rail cars, or means of locomotion yet to be invented, and this without distinction between the inhabitants and their fellow citizens elsewhere.”

In *re Phila. and Trenton R. R. Co.*, 6 Wharton 25 (43).

In *Brooke vs. Philadelphia*, 162 Pa. 123, it was held that the City might contract with a railroad company for the construction of a subway for railroad purposes. This, however, was upon the theory of an exercise of the police power, to protect the lives of the citizens by removing the deadly grade crossings, and the contract was made with a company which had been duly authorized by the Legislature of the State to use the streets and highways for railroad purposes.

The right to construct and operate a street railroad upon and along, or above or below the public highways must be derived from the Legislature, and the grant of power must

be clear. The Legislature did not, in any of the municipal charter Acts, expressly grant any such authority to the City of Philadelphia, nor can such authority be said to be incidental to any power therein expressly granted, for though it may well be deemed "convenient," it cannot be deemed "indispensable," and this is the test to be applied.

Dillon on Municipal Corporations, Section 237;
Lesley *vs.* Kite (*supra*).

There is nothing, however, in the Constitution of the State forbidding the Legislature to confer upon the City full and complete authority to build railways upon the surface or above or below the public highways, and when conferred, such right, as was said in the Western Savings Fund Society *vs.* Philadelphia (*supra*) as to the authority to furnish gas and water, is to be considered as "a special private franchise, made as well for the private emolument and advantage of the City as for the public good."

In the matter of the Rapid Transit Railroad Commissioners, 197 New York Reports, page 81 (December, 1909), the New York Court of Appeals, in speaking of the railway subway in New York City, which was constructed by that municipality pursuant to statutory authority from the New York Legislature, said.

(Page 96) "Was the action of the City in building the subway governmental or proprietary in character?

"The City owns the subway, and it is a railroad corporation so far as the construction, operation and leasing thereof is concerned. It was not required, but simply permitted, to build and operate the road. It is authorized to lease its railroad, either for 'a specified sum of money or a specified proportion of income, earnings or profits;' or it may operate the road itself and charge such rates of fare for the transportation of persons and property as may be fixed by its own boards and officers. * * * In other words, the subway is a business enterprise of the City,

through which money may be made or lost, the same as if it were owned by an ordinary railroad corporation. It was built by and belongs to the City as a proprietor, not as a sovereign."

(Page 97) "The use made of the street by the City in constructing the subway and operating, or causing to be operated, a railroad therein, is not a street use as that term is known in the law. As we have recently said, 'There is a broad distinction between a municipal purpose and a street purpose.' (*Palmer vs. Larchmont Electric Co.*, 158 N. Y. 231, 235.) We have held that a subway of the kind in question is built for a City purpose, because it is necessary for the general welfare of the people of the municipality, is public in character, sanctioned by its citizens and authorized by the Legislature, and hence the City has power to construct and pay for it. (*Sun Printing and Publishing Assn. vs. Mayor, etc., of N. Y.*, 152 N. Y. 257, 267.) A street purpose, on the other hand, is exclusively a highway purpose, and any use of the street which improves or benefits it as a highway is a proper street use. Sewers, which drain surface waters, electric lights, which make traveling safer, and water mains, that may be used to sprinkle and clean, are all street purposes, as was shown by Judge Haight in the Larchmont case."

By Act of April 15th, 1907 (P. L., p. 80), the Pennsylvania Legislature authorized cities, boroughs, and townships, and street passenger railway companies, surface, elevated or underground, within their limits, or motor companies operating the same, to enter into contracts with each other "affecting, fixing and regulating the franchises, powers, duties and liabilities of such companies and the regulations and respective rights of the contracting parties, and therein it is stipulated that such contracts "may provide for the ultimate acquisition by the local authorities upon terms mutually satisfactory, of the leaseholds, property and franchises of the contracting companies."

This Act our Supreme Court has held to be Constitu-

tional, Mr. Justice Brown in *Brode vs. Philadelphia*, 230 Pa. 434 (wherein the City's contract with the Philadelphia Rapid Transit Company was under review), saying (page 452):

"The final clause empowering the municipality to contract for the ultimate taking back of the franchises which it granted and for its acquisition of the leaseholds and property necessary to the exercise of the same is not a provision authorizing it to become a stockholder in a corporation or to appropriate its money for or loan its credit to a corporation. Nothing more need be said in support of the constitutionality of the Act of 1907, and we pass to the second question raised by the appellant;"

And (at page 456):

"If the City should see fit not to exercise the option given it, the stocks and bonds purchased by the commission will be sold and the City will receive the moneys realized from their sale; but if, on the other hand, it should ultimately, in 1957, conclude to avail itself of the right given it under the contract to acquire all the property, leaseholds and franchises of the company, and Art. IX, Section 7, of our present Constitution should still be in force, its acquisition of all the property of the transit company would not constitute it a stockholder of that company within the prohibition of the Constitution. That prohibition was to prevent a municipality 'from becoming jointly interested as stockholder with any company, association or corporation.' (*Wheeler vs. Philadelphia, supra.*) This would not be possible if the City should acquire everything belonging to the transit company, for that company would then go out of business and practically die a legal death. This, in effect, is what happens whenever a municipality takes over the property and franchises of a water company in pursuance of statutory authority, but it has never been pretended that in so doing it becomes a stockholder in such company."

The Act of 1907 is not broad enough to authorize the City to build or own or operate street railroads independent of those to be acquired by means of such contracts as are therein mentioned, but, as I have already stated, there is nothing whatever in the Constitution forbidding a municipality from acquiring from the Legislature, by means of a comprehensive and adequate statute, all needful authority in the premises, and upon the acquisition of such authority from the Legislature there would exist on the part of the City the right to use its current net revenues, or so much thereof as may be available, and to borrow money upon municipal obligations for the purpose of constructing such utilities, subject, however, to the Constitutional provision as to the limitation of the municipal debt to seven per centum of the assessed value of the taxable property therein.

The foregoing applies to the subject independent of the Constitutional Amendment, the effect of which remains to be considered.

Section 8 of Article IX of the State Constitution, limiting the debt of the City to seven per centum upon the assessed value of taxable property therein, has recently been amended by adding thereto the provision that:

*"Any debt or debts hereinafter incurred by the City and County of Philadelphia for the construction and development of subways for transit purposes * * * and which shall yield to the City and County of Philadelphia current net revenues in excess of the interest on said debt or debts, and of the annual instalments necessary for the cancellation of said debt or debts, may be excluded in ascertaining the power of the City and County of Philadelphia to become otherwise indebted. Provided: That a Sinking Fund for their cancellation shall be established and maintained."*

By Article XV, Section 3, of the Constitution, it had already been provided that:

"Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt;"

and in Section 10 of Article IX it had been stipulated that:

“Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.”

The Constitutional Amendment, above referred to, clearly contemplates authority to the City to construct, develop and own subways for transit purposes where such subways shall yield the revenue to pay the cost thereof, principal and interest.

In the financing of such undertaking, it is highly important to determine whether Section 10 of Article IX, above quoted, applies to the matter, and whether the principal of the indebtedness which may be created in connection therewith is required to be paid off “within thirty years.”

If the period for payment is to be restricted to thirty years, it is said it will serve to hamper the undertaking. If there be no such limitation, and if the payment period may be extended beyond thirty years, if it can lawfully be made say fifty or seventy-five years, the undertaking, it is conceded, can more readily be financed.

Whilst the question is not free from doubt, and whilst it would be wise to have a judicial decision thereon before the actual issuance of any municipal securities in connection with the project, I am of the opinion that the provisions of Section 10 of Article IX do not govern the recent Constitutional Amendment, and that the thirty years period does not apply. My reasons for such opinion, briefly stated, are these:

In *Guldin vs. Schuylkill Co.*, 149 Penna. 210 (214), the Supreme Court of this State has said:

“It is a familiar canon of construction that one part of a statute must be so construed that the whole may, if possible, stand; and this is equally applicable to the construction of the organic law of the Commonwealth. A single provision may not be selected out

of several relating to the same subject, and full literal meaning given to its words without reference to the qualifying effect of other provisions, and thus produce an apparent repugnance of one provision to another. On the contrary, all the provisions relating to a particular subject, and all others qualifying such provisions, no matter where they may stand in the Constitution, are to be grouped together, when considering such subject, and so read that they may blend or stand in harmony, if that can be done without violence to the language."

Reading Section 8 of Article IX, as amended, in conjunction with Section 10 of Article 9, it is apparent that the Constitution deals with two distinct classes of indebtedness: First, those which are to be paid out of taxes to be levied; and second, those which are to be liquidated exclusively by means of the revenue to be derived from the public improvement for which the indebtedness is created, and as to which a distinct and special provision for Sinking Fund is made. This provision for a Sinking Fund, apart from the Sinking Fund mentioned in Section 3, Article XV, gives emphasis to the distinction in the classes of indebtedness.

As to the first of these classes of indebtedness, which involves a burden in the shape of taxes to be levied, the Constitution provides not only for a limitation as to the total amount of the indebtedness which can be created, that is, the extent of the burden, but it also provides for a limitation as to the time when the burden shall be removed, and the tax shall cease, to wit, thirty years from the creation of the indebtedness.

As to the second class, however, there is involved no burden in the shape of a tax upon the public, for the payment of both principal and interest is to be made out of the revenues derivable from the improvements for which the indebtedness was created, and which improvements must be in themselves debt-cancelling. There exists no reason for any limitation as to the amount of such indebtedness, or as to the time within which the liquidation there-

of shall take place, and upon both those points, as to this class of indebtedness, the Constitution is silent; but as to the other class of indebtedness, for the payment of which taxes are to be assessed and levied, not only is the limit of indebtedness fixed at a definite percentage of taxable property, but it is stipulated further in Section 10 of Article IX that such annual taxes shall be "sufficient to pay the interest and also the principal * * * within thirty years."

This interpretation avoids all conflict and repugnancy as between the Constitutional provisions; it gives effect to each section and serves to carry out the purpose of the amendment; is in entire accord with the rule for construing the Constitution as laid down by our Supreme Court in the above cited case; and it would seem to be sustained by the decisions of the courts in other jurisdictions, to a few of which reference may be made.

In *State vs. Cox*, 8 Arkansas, 436, there was a seeming conflict between a section of the Declaration of Rights contained in the Constitution of the State, providing "that no man shall be put to answer any criminal charge but by presentment, indictment or impeachment," and a subsequent amendment to the Constitution, providing that the General Assembly should "have power to confer such jurisdiction as it may from time to time deem proper; on justices of the peace * * * in actions and prosecutions for assault and battery, and other penal offences, less than felony, which may be punishable by fine only." The Court, in considering the matter, pointed out the relief which was intended to be secured by the adoption of the amendment—a relief "from unjust, expensive, vexatious and harassing prosecutions," and said:

"Such being the intention * * * if we declare an indictment or presentment is necessary before the defendant can be held to answer, we would give a construction to the amendment which would not only defeat the manifest intention of its framers, but also that they were guilty of an inexcusable oversight, or palpable absurdity. Although the power is expressly granted to the Legislature to confer the jurisdiction,

yet such a construction would be equivalent to declaring the amendment nugatory, as it would be so encumbered as to render it wholly or almost impossible to carry out the intention of the framers of the amendment. We must give such a construction to the amendment as will give it effect, and if it cannot take effect without conflicting with some pre-existing clause of the Constitution, the latter must yield to the former."

In *French vs. Teschmaker*, 24 Calif. 518 (538), in reconciling two apparently repugnant sections of a State Constitution, the Court said:

"Constitutions, like statutes and private instruments, must be so construed, if possible, as to give some force and effect to each of their provisions. The legal intendment is that each and every clause has been inserted for some useful purpose, and when rightly understood may have some practical operation. For the purpose of harmonizing apparently conflicting clauses, each must be read with direct reference to every other which relates to the same subject, and so read, if possible, as to avoid repugnancy. And, to that end, sections, paragraphs, and sentences may be transposed; elegance of composition may be sacrificed; and the meaning of words and phrases may be restricted or enlarged."

In *People ex rel. Killeen vs. Angle*, 109 New York Reports, 564 (at page 575), the Court said:

"We, however, yield our fullest sanction to the doctrine that an amended Constitution 'must be read as a whole and as if every part had been adopted at the same time and as one law, and effect must be given to every part of it, each clause explained and qualified by every other part.' (Gilbert El. R. R. Co. vs. Anderson, 3 Abb. N. C. 452.) But when this is done the question remains whether the framers of the amendment intended that a general provision contained in the original instrument should be applicable

to the subject of such amendment. It would be quite absurd to suppose that, while framing an elaborate scheme of public policy to be incorporated in the fundamental law of the State, they intended to subject it to the operation of general provisions of the same instrument which might, when applied thereto, annul the express grants of power therein contained and authorize each successive Legislature to overthrow and destroy the whole object and effect of the amendment adopted. To hold that this was the intention of the authors of the amendment would require us not only to stultify them, but would stamp their work as an idle ceremony of no practical importance. It is a primary rule of construction that statutes must be so interpreted as to give effect to every part thereof and leave each part some office to perform; and any construction which deprives any part of a statute of effect and meaning, when it is susceptible of another interpretation, is wholly without support from any authority."

To the same effect is *Bray vs. City Council*, 62 South Carolina, 57.

In *Trustees of University of N. C. vs. McIver*, 72 North Carolina, 76, the Court thus expressed itself:

"There is no occasion for any condition or for a resort to legal fiction, but in putting a construction upon the amendment, the Court is to take the fact as it is, the amendment was made *after* the adoption of the Constitution, and is bound to give full effect to the amendment, as the last expression of the will of the people; true, the Constitution and the amendment are to be construed together; but the object is to see how far the original Constitution must yield in order to give full effect to the amendment. As the power conferred upon the General Assembly is without any restriction, full effect cannot be given to the amendment without making the prohibition contained in the original instrument yield to the extent of allowing an exception in respect to the appointment or election of trustees of the University.

"The rules adopted by the Courts for the construction of codicils furnish a more apt analogy and are doubly in point. The testator, observing the formula required by law, can revoke, amend, alter or modify his will at any time and to such extent as he is minded; the Courts look upon the codicil as the last expression of his will and give full effect to it, by making 'the will' yield as far as is necessary for that purpose. The fiction that the codicil must be considered *as if* it had been inserted in the will is not resorted to, and the Courts give full weight to the fact that the codicil was made *after* the will, and the extent to which the intention of the testator had been changed is judged of by the words of the codicil giving effect to the will and construing it with the codicil only so far as the will can be allowed to operate without detracting from the effect of the codicil."

Mr. Taylor in his letter makes further inquiry in this language:

"What restrictions are imposed by law or contract upon the City with relation to the City granting the right to any corporation duly incorporated for such purposes to build any subway under any street in the City or to build any elevated railway over any street in the City and which, if any, of such restrictions would not apply to the construction of such subways and elevated railways by the City or to the granting of such rights to the Philadelphia Rapid Transit Company?"

This inquiry is so worded that I can reply in but a general way, awaiting specific questions upon such particular points as he may have had in mind, if such be not covered by this communication. The right to build subways or elevated railroads for transit purposes must emanate from the State. The City cannot of itself confer such right, but when authorized by the Legislature, it may do so as an agency of the State. No such authority now exists

on the part of the City. Under the provisions of the Constitution, street passenger railway companies cannot be constructed within the limits of the City without the consent of its local authorities, but, as has been stated, the municipal consent, when given, is in the nature of a secondary franchise only—a furnishing of the means to the enjoyment of the primary franchise, which must come from the State itself.

Such consent to the building of subways or elevated railroads may properly be given by the City to any corporation authorized by the Legislature to so build. The charter of any such corporation will be the measure of its rights.

The City's power as to the building of such improvements on its own account, I have already endeavored to point out, and the terms and provisions of the City's contract with the Philadelphia Rapid Transit Company are printed in full in the copy thereof set forth in the ordinance of July 1, 1907 (Ordinance 1907, page 153).

I trust the information herein contained may be of some assistance to Mr. Taylor in formulating an acceptable plan or plans which will result in the building of such subways and street railways as will speedily give the City of Philadelphia every needed and expected improvement in transit facilities.

Whether such improvements be undertaken in accordance with the Constitutional amendment referred to or whether they be undertaken apart from such amendment, it is advisable to secure from the State Legislature at its next session, to be held within less than six months, some more adequate and comprehensive legislation than has heretofore been had, conferring desirable powers and authority upon the City in the building of subways and railways for transit purposes.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 19, 1912.**Air cushions passenger elevators of plunger hydraulic type.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of the 18th inst. referring to the ordinance of April 15, 1908, page 106, upon the subject of the regulation of passenger and freight elevators. You state that you are advised by the Chief of the Bureau of Elevator Inspection that under the ruling relative to Section 19 of the ordinance it has been decided that air cushions are not required on passenger elevators of the plunger hydraulic type, and that it would be impracticable to compel the installation of air cushions on this type of elevator; that in accordance with this ruling the placing of the air cushions has been waived in a number of buildings which you mention. You inquire whether or not your Department is justified in following the precedent therein established.

You do not state by whom or by what authority the provision of the ordinance has been dispensed with in the "ruling" to which you refer. I assume, however, that it is by the ruling of the Bureau of Elevator Inspection. The provision of Section 19 is distinct and positive that "all passenger elevators hereafter erected or re-erected must be provided with air cushions," and I do not find anything in the ordinance authorizing the waiver of that requirement. The clear and unequivocal command of an ordinance should be obeyed by the Executive Department to which the charge of the subject matter is committed, and if the directions thereof are found to be impracticable or unwise, application should be made to Councils in order that the ordinance may be amended. In the present instance, plunger hydraulic elevators are recognized as proper ones in other portions of the ordinance; and if by "impracticable" it is meant that the air cushions can-

not be installed in this type of elevator, then the direction of the ordinance as to the air cushion might be properly disregarded with respect to such elevators; otherwise, I think that this direction should be followed, or the ordinance amended so as to cover such cases.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 20, 1912.

In re garbage disposal.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 19th inst., asking an opinion “whether there is any possibility of our being able to follow the example of Pittsburgh in the matter of letting contracts for garbage disposal for more than one year,” and stating that “these are the papers I left with you, reference No. 26,206.”

The papers referred to are a copy of the opinion of the City Solicitor of Pittsburgh, a city of the second class, to the effect that that city has power to make a contract for garbage disposal for a period of more than one year, and a letter to yourself transmitting such copy.

There have been a number of decisions of the Supreme Court, holding that boroughs and cities of the third class are authorized to make contracts for the lighting of the streets, etc., for periods of five years, or for other periods in excess of one year. *Black vs. Chester*, 175 Penna. 101; *Metropolitan Electric Company vs. Reading*, id., 107; *Wade vs. Oakmonst Borough*, 165 Penna. 479; *Seitzinger vs. Electric Company*, 187 Penna. 539; *Murray vs. People's Electric Company*, 218 Penna. 637); and it is

upon the authority of these and other like cases that the opinion of the City Solicitor of Pittsburgh is predicated; he stating that—

“There is no specific reference to contracts of this character in our city legislation, but the general power over the subject matter is conferred by paragraph 33 of Article XIX of the Act of March 7, 1901, P. L. 20,” which is:

“‘To make regulations to secure the general health of the inhabitants and to relieve and to prevent nuisances.’”

But there are existing statutes which are applicable alone to this City; thus, the Act of April 21, 1858, Section 5, P. L. 306, provides that:

“No debt or contract hereafter incurred or made shall be binding upon the City of Philadelphia, unless authorized by law or ordinance, and an appropriation sufficient to pay the same be previously made by Councils.”

The provisions of the above Act have been held to be binding upon the Executive Departments only, and not to be a limitation upon the power of Councils (Tatham's Appeal, 80 Penna. 465), but the Act of June 11, 1879, Section 3, P. L. 130, is broader and more sweeping in its scope. That Act provides that:

“No city of the first class, no head of any department thereof, and no commission, board or trust, or any other agent, officer, or employee of either or any thereof, exercising any powers of government therein, either in the making of contracts, the approval thereof, or in the authorization of the expenditures of the money of said cities of the first class in any manner whatever, shall hereafter make any contract without a previous appropriation has first been made by the said councils; * * * and any contract made * * in violation of the requirements of this act shall be absolutely void as against said cities.”

The foregoing provisions of law make it necessary that every municipal contract in the City of Philadelphia must be preceded by an appropriation of money sufficient to meet the requirements thereof; and it follows that in the absence of an appropriation by Councils in a sum large enough to cover the expenditure called for by it for its entire term, such a contract would be without legal validity. The difficulty could readily be overcome by appropriate legislation if, after mature deliberation, a change is desirable.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 22, 1912.

In re conduits of Bell Telephone Company.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter of July 19th from the Chief of the Electrical Bureau, approved by you, with respect to the right of the City in the conduits of the Bell Telephone Company, and inquiring whether the option to use one duct or three wires for City purposes rests with the Electrical Bureau or with the Bell Telephone Company. He refers to an opinion of this Department of October 14, 1902, in which it appears to have been stated that the Telephone Company had the option whether to furnish the three wires or the one duct or chamber to the City and questions that conclusion.

The multiplicity of ordinances upon this subject has doubtless tended to create much confusion. In the opinion of the City Solicitor referred to by Mr. Pike, the attention of the writer seems to have been drawn more par-

ticularly to the question whether the City has any right in the conduits of the Bell Telephone Company, and he perhaps inadvertently stated that the Telephone Company had the right of choice in the matter.

The ordinance of August 5, 1886, page 243, Section 6, provides that whenever the City might desire to use or occupy any of the wires or electrical conductors or cables for municipal purposes, the company, etc., to which privilege had or should thereafter be granted for laying or constructing such lines or branches, should furnish three good working wires upon thirty days' notice to the Electrical Department, without any cost to the City.

Section 7 further provides that whenever the City might desire to occupy or use a tube or chamber in any of the conduits or tubes which had been theretofore or might thereafter be laid, by authority of Councils, the company, etc., owning such conduits or tubes should, upon thirty days' notice, furnish said Department, free of cost to the City, at least one tube or chamber in such conduits or tubes: *Provided*, That this section should not be construed to apply to those laying wires who have complied with Section 6 of the ordinance, of which compliance the Chief of the Electrical Department should be the judge.

The meaning of these provisions seems to be that the City may call for three working wires for its own use, or, under Section 7, that it may require that a tube or chamber be set aside for its purposes: *Provided however*, That it should not have the latter privilege where Section 6 of the ordinance had been complied with by the Electrical Company.

Similarly, the ordinance of January 12, 1888, page 5, which gives to the Bell Telephone Company the right to lay underground conduits upon certain designated streets, provides, with respect to the conduits thus authorized to be laid, that:

“The Bell Telephone Company of Philadelphia shall, in writing, agree to furnish, free of expense or charge to the Department of Public Safety, for the use of the City, one duct or chamber in their con-

duits, or, in lieu thereof, furnish the said Department of Public Safety, for the use of the City, at all times with three good working conductors by special cable or otherwise, in their conduits, as shall be satisfactory to the Chief of the Electrical Bureau, and required by the ordinance approved August 5, 1886."

The latter phrase, "as shall be satisfactory to the Chief of the Electrical Bureau, and required by the ordinance approved August 5, 1886," implies that the option shall remain with the Chief of the Electrical Bureau to choose either the chamber or duct which might be required, or the three good working conductors, as the ordinance of August 5, 1886, had provided.

I am accordingly of the opinion that Mr. Pikes' construction of these ordinances is the proper one, and that it is for the Chief of the Electrical Bureau to decide whether in any case three good working wires shall be furnished, or whether he shall require in lieu thereof the one duct or chamber in the company's conduit.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 22, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 19th inst., enclosing a further communication from A. Merritt Taylor, Esq., Transit Commissioner, bearing the same date, in which, after quoting in full Section 8 of Article IX of the State Constitution, as recently amended, he says:

"In order to fully understand the practical effect thereof, I desire the opinion of the City Solicitor

on the following points, subject to such adequate legislation being enacted at the next session of the Legislature as he has already recommended."

Mr. Taylor's questions thus presented and my replies to the same are as follows:

1—Q. "Does Section 8 of Article IX of the Constitution of the Commonwealth of Pennsylvania enable the City and County of Philadelphia to borrow money in excess of the amount which the City and County of Philadelphia are otherwise authorized to borrow for the purpose of the construction and development of subways for transit purposes within the City, *if it be estimated* that the operation of the same will yield to the City and County of Philadelphia current net revenue in excess of the interest on the said debt or debts and of the annual installments necessary for the cancellation of the said debt or debts?"

A. Yes, assuming, of course, as it must be assumed, that such estimate will be made in entire good faith, and after full, careful and complete inquiry and investigation in connection with the subject. There is nothing in the amendment requiring the City to first secure a guarantee of the revenue from another person or corporation. Such guarantee, secured from another, would be based upon that other's estimate of the derivable revenue, and would be given only in consideration of some pre-arranged lease or concession from the City. Such requirement might present the danger of exaction from the City of terms less favorable to the municipality than could be had if the City were afforded full opportunity for independent action in the matter.

With its facilities and with the assistance of competent experts, the City should be able to estimate with as much accuracy and reliability as others upon the subject of the revenue to be derived from the improvement.

2.—Q. "Is it necessary for the estimate mentioned in No. 1 to be made by some tribunal, such as the State Railroad Commission, which shall be specifically authorized by Act of Assembly to make the same?"

A. The State Railroad Commission has not the authority. The City officials and the City Councils under the law constitute the authority to make up the estimate, to consider the subject, and to decide upon the action to be taken.

3.—Q. “If the replies to Nos. 1 and 2 be negative, does Section 8 of Article IX of the Constitution enable the City and County of Philadelphia to borrow money in excess of the amount which the City and County of Philadelphia are otherwise authorized to borrow for the purpose of the construction and development of subways for transit purposes within the City, provided the City be in possession of *an adequate and sufficient guarantee* of some existing corporation that it would take over the operation of the same and pay a rental to the City therefor in amount sufficient to “yield to the City and County of Philadelphia current net revenue in excess of the interest on the said debt or debts and of the annual installments necessary for the cancellation of the said debt or debts?”

A. Yes.

4.—Q. “If the answer to No. 3 be negative, owing to the fact that no legal machinery has been provided for passing on the adequacy and sufficiency of any such guarantee, would the answer be affirmative provided the Legislature were to specifically delegate to the said Railroad Commission, or to some other tribunal, the duty of inquiring into and passing upon the adequacy and sufficiency of such guarantee?”

A. As I have already stated in reply to question No. 2, the “legal machinery” is in existence. It is embodied in the City officials and in City Councils.

5.—Q. “In the event of the replies to Nos. 1, 2, 3 and 4 being negative, or in the event of its being considered inexpedient for the City to lease any subway which it may propose to build, to any private corporation or corporations, prior to the construction thereof, would Article XVIII, Section 1, of the Constitution of the Commonwealth of Pennsylvania, which reads in part as follows:

'But no amendment or amendments shall be submitted oftener than once in five years,' prevent the submission of a further amendment of Section 8 of Article IX, removing such impediments as may be found therein, at the next session of the Legislature and the taking of valid primary action by the Legislature thereon at that session?"

A. The meaning of Section 1 of Article XVIII of the State Constitution is that if rejected by the people, the same amendment cannot be again submitted to them for adoption until after five years have elapsed. It does not provide that another, being a new or additional amendment, cannot be submitted.

6.—Q. "Would interest and sinking fund payments accruing during construction on City bonds issued for 'the construction *and development* of subways for transit purposes' be chargeable against the proceeds of the sale thereof as a part of the cost?"

A. Interest requirements would begin with the borrowing of the money, bonds being issued from time to time in such amounts only as might be necessary. The interest accruing during the period of construction would be payable out of the proceeds of the sale of bonds. The Sinking Fund charges need not begin at once. They may arise at such date as may be fixed, and as good judgment may dictate, it being borne in mind that it is essential that the Sinking Fund charges shall be so arranged for and met that at the maturity of the bonds the Sinking Fund shall be sufficient to liquidate the entire indebtedness. The longer the period fixed for the maturity of the bonds, the less heavy and less burdensome would be the periodical charges for Sinking Fund purposes.

7.—Q. "Is there any contract in existence between the City and the Thirteenth and Fifteenth Street Passenger Railway Company or any other passenger railway company, which restricts the right of the City to build a subway under Broad street or any part thereof?"

A. No. The rights of the Thirteenth and Fifteenth

Street Passenger Railway Company in this respect have been considered and passed upon by our Supreme Court in Commonwealth ex rel. *vs.* Broad Street Rapid Transit Railway Company, 219 Penna. 11. There is no contract in existence between the City and that company, or any other company, which in my opinion restricts the right of the City to build a subway under Broad street or any part thereof.

8.—Q. “Have the Commonwealths of Pennsylvania and New Jersey each the constitutional right to join together and build rapid transit tunnels between Philadelphia and Camden, and, if so, what legislative action would have to be taken by both States in order to do so?”

A. This question, I believe, through inadvertence is expressed somewhat differently from what was intended.

Section 10 of Article I of the Constitution of the United States provides that no State shall, without the consent of Congress, “enter into any agreement or compact with another State.”

A State, however, can confer rights or privileges on a corporation of another State. This is frequently done in the case of railroad companies which are permitted to extend their lines from one State into another.

In *Sparks vs. Railroad Company*, 212 Penna. 105, a proposed railroad by means of a tunnel under the Delaware river, from a point of intersection of Market street and Front street, Philadelphia, to a point on the boundary line between the States of Pennsylvania and New Jersey, in said river, “there connecting with a railroad of any company now organized or hereafter to be organized under the laws of the State of New Jersey,” was held to be a railroad, and not a street railway; the Court saying:

“The road which the defendant desires to construct, while its location is in the line of Front street for a short distance, swerves therefrom under the plaintiff’s property, crosses Delaware avenue and runs out under the bed of the river to the line of the division between the States of Pennsylvania and New

Jersey. There will be no access to or exit from the railroad within the limits of the City of Philadelphia, excepting at the point of terminus or beginning at Front and Market streets; no passenger can take a train there and be transported to any other point within the City limits. Besides, the road is intended for the carriage of property as well as of persons. We fail to see any elements in the case that would properly classify the proposed railroad under the head of a street passenger railway company, and no argument to sustain the contrary view can be drawn from the fact that the length of the road, if constructed there, will be only about a mile. It is not the extent of a road, but its character, which determines its proper classification."

The State of Pennsylvania cannot give authority to construct a railroad, by tunnel or otherwise, beyond the State line, which is the middle of the river. If the City should be authorized to and should undertake such work, I assume the improvement would be different in character from that described by the Court in the case of *Sparks vs. Railroad Company*, above referred to, and that it would be constructed as a part of the street railway system, furnishing transportation accommodations to travelers upon the public highways of the City.

In any arrangement to be made with a New Jersey corporation, authorized to build from the New Jersey side to the State line, observance would be necessary of the Constitutional provision (Article IX, Section 7) that the City shall not become "a stockholder in any company, association or corporation, or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual."

9.—Q. "In view of the great public importance of the questions involved and of the serious consequences to the public which would result from delay, will it be practicable to secure a prompt and final judicial determination as to whether Section 10 of Article IX of the Constitution of the Commonwealth of Pennsylvania requires the City

and County of Philadelphia, in incurring indebtedness for 'the construction and development of subways for transit purposes, which shall yield to the City and County of Philadelphia current net revenue in excess of the interest on the said debt or debts and of the annual installments necessary for the cancellation of the said debt or debts' at the date or time of so doing provide for an annual sinking fund sufficient to pay the principal thereof within 30 years, and also as to any of the above questions as to which the City Solicitor may be in doubt, in order that the present legal status of the City may be clearly established prior to the meeting of the next session of the Legislature?"

A. Our Courts decline to entertain "moot" cases. As soon, however, as action upon the part of the City shall have been decided upon, a judicial test of any question involved may be had. The Supreme Court may possibly take original jurisdiction—it has the power so to do, and it is likely that it would consent to do so. If it should do so, much time would be saved.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 24, 1912.

JOHN M. WALTON, Esq.,

City Controller, Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 23d inst., wherein you inform me that you are in receipt of a communication from the Civil Service Commission protesting against your countersigning warrants for the payment of salaries for any and all employees of the Fairmount Park Commission appointed on or after May 17, 1912, and for any and all employees appointed to the Public Aquarium by said Fairmount Park Commission, unless

the appointments are made from an eligible list established by the Civil Service Commission, and asking to be advised by this Department whether, in the absence of a legal decision specifically covering the question raised by the Civil Service Commission, you would be justified in complying with their request, and "abolishing the system of payments to said employees that has prevailed since the creation of the said Fairmount Park Commission by the Act of Assembly of March 26, 1867." The appointees referred to are at least *de facto* employees, and it is admitted that they have rendered and are continuing to render the services for which the warrants from time to time are drawn and are presented.

During the six years the Civil Service Act of March 5, 1906, has been upon the statute books there has been a general acceptance upon the part of all concerned, City officials and general public alike, of the belief that its provisions do not extend to appointments made by the Fairmount Park Commission. It is possible that in a contest in a proper case involving the question, the Courts may decide otherwise, but until they do so decide, and until such a judicial ruling be had, I think you would not be justified in "abolishing the system of payments to said employees that has prevailed since the creation of the said Fairmount Park Commission by the Act of Assembly of March 26, 1867," but that you should continue to countersign warrants for the payment of salaries of such employees as heretofore.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 24, 1912.**In re payment of bills for additional work on Convention Hall.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication of this date from the Chief Engineer and Surveyor, approved by the Assistant Director of the Department of Public Works, in reference to the payment of certain bills in connection with the building of the temporary Convention Hall, out of appropriations aggregating one hundred and ten thousand (110,000) dollars, for the erection of said temporary hall. It appears that there is a surplus of three thousand (3,000) dollars from said appropriation which was not put under contract, that sum being intended to meet contingencies. After the completion of the hall in other respects, it was found necessary to do certain further work in the putting up of signs indicating "exit," the lettering of various sections of the hall upon the supporting columns, etc. The inquiry is whether bills for such additional work can be paid out of the surplus of three thousand (3,000) dollars.

I see no objection to the payment of these bills out of the said sum. In ordinary course it would have been proper to have advertised for bids, and entered into a contract for any further work which might have been required, but I understand this work to have been of an emergency character necessary to properly equip the hall for the concerts of the German singers upon the date fixed therefor, and in accordance with the City agreement so to do, and, in view of these circumstances, I think that warrants can be drawn and the bills paid.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 26, 1912.

In re storage of benzine, etc.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of July 25th, enclosing copy of a communication to yourself from the Fire Marshal, and from counsel for the George D. Wetherill Company, Incorporated, paint manufacturers, at Harold and Moyer streets, to the Mayor, with respect to the question whether a license is required by the company to continue the maintenance of a benzine tank, containing about 700 gallons of that fluid, and also whether a license may be issued for an establishment storing that quantity of benzine.

It appears that the premises in question are within the limits prescribed by the ordinance of April 2, 1901, page 118, as those inside of which it shall be a nuisance for any person, other than the manufacturer of benzine and similar substances, to store or keep at any one time *in any building* more than one barrel thereof. In the present instance the benzine tank is not within a building, but "has been constructed underneath the ground at a distance of several feet from the building, under up-to-date specifications, and passed by the fire underwriters." (See letter to the Mayor from Thomas G. Hawkes, Esq.) It is also stated that there are no buildings in the block of ground in question except those of George D. Wetherill Company.

Questions of a similar character have been before this Department heretofore, and were answered in the opinion by Hon. John L. Kinsey, Opinions City Solicitor, January 21, 1903, page 1, and of the late J. Howard Gendell, Esq., Opinions, 1910, August 17, page 131. In both of these opinions it was held that the control of places for the storage of gasoline, benzine, etc., had been put by the

ordinance of 1901 within the supervision of the Fire Marshal, by whose report the Mayor is required to be guided in granting licenses, and that the Mayor is absolved from responsibility in the matter if he does so. In these conclusions I concur. In the opinion by Mr. Gendell, above referred to, he expressed a doubt whether the storage of gasoline would be considered to be "in any building" within the meaning of Section 1 of the ordinance, where such gasoline is stored in vaults under the sidewalks.

With respect to the liability of the Wetherill Company to procure a license, there can be no doubt. By Section 3 of the ordinance, it is made a nuisance for any person, firm or corporation to maintain any establishment or carry on any business in which benzine, etc., is used or employed, whether for manufacturing or in the arts or otherwise, in quantities exceeding one gallon in any one day, until he shall have obtained a license from the Mayor to maintain such establishment or carry on said business. The subsequent portion of that section provides the method of obtaining such license, and for an appeal from the decision of the Fire Marshal against the granting of the same. The directions of this section should be followed in proceeding to obtain a license.

I do not think that the storage of this fluid underground in a place which is not within the walls of a building should be regarded as the keeping of the same "in any building," within the meaning of Section 1.

Nevertheless, before the granting of the license, required by Section 3, the premises should be inspected by the Fire Marshal, and the granting of the license approved by him, or, if he decline to approve thereof, an appeal from his decision should be successfully prosecuted.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 27, 1912.

In re service of abandonment notice.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities,

DEAR SIR:—I am in receipt of your inquiry of the 26th inst., whether service of an “abandonment” notice, by leaving it on unoccupied premises and where the registered owner cannot be found, would constitute a legal notice under Section 60 of the Act of June 7, 1911, P. L. 680, which provides that:

“The Department, or Board, or Bureau of Health shall have power to issue notice giving at least three months’ notice to discontinue the use of any cess-pool, and have it cleaned and filled up.”

The Act concerning which you inquire does not specify in what manner notice is to be given, but in the case of liens where the premises are unoccupied and the registered owner, or his agent, cannot be found, the method of giving notice is to post it upon the premises, that is to say, to affix it by pasting, or otherwise, on the front door or in some other conspicuous place.

I would suggest that this method be followed in giving notice under the Act of 1911.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 30, 1912.**In re change of contracts for paving.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of several communications from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director, with respect to changes in the contracts for paving Washington lane, from Morton street to Cheltenham avenue, and between Stenton avenue and Morton street; Stenton avenue. from Gravers lane to Bethlehem Turnpike, and McCallum street, from Allen's lane to Cresheim bridge. Contracts have been entered into for paving these streets with bituminous macadam, and for various reasons it is desired to change the paving so that it will either be of waterbound macadam or partly of waterbound macadam and partly of bituminous macadam.

With respect to the contracts for paving Stenton avenue and McCallum street, it is stated in the letters that the contractor was as low as any other bidder for the waterbound macadam, on which bids alternative with those for bituminous macadam were invited at the same time, and with respect to the Washington lane paving, I understand from oral information given by the Chief of the Bureau that this is also the fact, to wit.: That the contractor was as low as any other bidder for the waterbound macadam.

Assuming that Councils have not directed the manner in which these particular roads are to be paved, upon the above facts there would be no objection to paving the streets in the manner now proposed, instead of that which is the subject of the contracts. I do not see how the present contracts can be changed, however. The proper procedure would be to annul the contracts, with the consent of the contractor, if he will agree thereto, and that

new contracts be awarded to him upon the basis of the bids already made, the Department of Public Works having the right to regard him as the lowest responsible bidder for the paving with waterbound macadam. This would avoid the necessity for readvertising for new bids.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 30, 1912.

In re appropriation for automobiles, etc.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter from the Assistant Director of the Department of Public Works in reference to appropriation of \$3,000, by ordinance of June 4, 1912, for the purchase and maintenance of automobile and salary of chauffeur, in accordance with which your Department, after due advertisement, awarded a contract for furnishing an automobile for the price of \$3,000, and said contract has been duly executed by the Mayor. The question has arisen as to the right of the Department to expend the full amount of the appropriation in the purchase and equipment of the automobile without reserving any part thereof for maintenance and the salary of the chauffeur for the balance of the year. It is stated that the maintenance is provided for by the guarantee of the company from which the automobile was bought to maintain it for one year from date of purchase; that the Department has not appointed a new chauffeur and will not appoint one, but will utilize the services of the drivers in the employ of the City at the time the purchase was made; and that Councils, by ordi-

nance of July 5, 1912, have transferred funds to item for Director's Office for "maintenance of automobiles," which moneys could be expended upon any Department car.

In view of all of the above facts, I am of opinion that the City Controller would be justified in countersigning the contract and warrant for the payment of the purchase price of the automobile.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1912.

In re issuing of subpoenas by the Police Board of Trial.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of July 30th, requesting an opinion defining the powers of the Police Board of Trial to enforce the attendance of witnesses on subpoenas issued by that Court, and whether said Court has any authority to act in the case of the refusal of witnesses to answer the subpoenas.

Article 3 of the Bullitt Bill, in providing for the trial of policemen and firemen, contains a clause enacting that:

"The person of highest rank in such Court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses as is possessed by any Justice of the Peace of this Commonwealth."

Section 8 of the Statute of May 22, 1722, 1 Smith's Laws, 138, contains the provision that:

"It shall and may be lawful for the said Justices, and every one of them, to issue forth subpoenas and

other warrants under their respective hands and seals of the county into any county or place of this province, for summoning or bringing any person or persons to give evidence in and upon any matter or cause whatsoever now or hereafter examinable or in any way triable by or before them, or any of them, under such pains or penalties as subpoenas or warrants of that kind usually are or ought by law to be granted and awarded."

These enactments give to the Police Court of Trial or Inquiry the right to issue subpoenas for witnesses in the usual form. If a witness, properly subpoenaed, fails or refuses to appear before the Police Court in obedience to the subpoena, upon proof of personal service thereof upon him he can be brought before the Court by attachment. The Court has no power to punish by commitment for contempt a witness who refuses obedience to the subpoena, the purpose of the attachment being to secure the physical presence of the witness before the Court.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1912.

In re purchase of automobiles, etc.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of July 29th, stating that your Department is carrying upon its books an appropriation to Item 63d, for the purchase of police and fire apparatus and equipment, including new fire boat; balance on hand, \$23,918.55. You state that the Department has recently advertised for bids for fur-

nishing seven automobiles for the chief engineer, deputy chief engineer and the battalion chiefs of the Bureau of Fire, and six runabouts for the battalion chiefs, it being your desire to charge the expense incident to the purchase of the same to said item of appropriation, and you inquire whether this may properly be done.

In my opinion, an appropriation for the purchase of police and fire apparatus and equipment, including new fire boat, cannot legally be used for the purchase of automobiles for the use of the officials of the Bureau of Fire, especially in view of the fact that appropriations for the purchase of automobiles by various Departments of the City Government have been made from time to time by Councils, and in each instance the intention of those bodies to authorize the purchase of the automobiles has been clearly indicated by specific directions that the appropriation is for that particular purpose. It is a legal maxim that the expression of one thing is the exclusion of others, and I think it follows that where appropriations have been specifically stated to be for the purchase of automobiles, another appropriation in general terms for fire apparatus and equipment is not to be considered as authorizing such purchase.

In so far as the various items of equipment are concerned, to which reference is made in your letter, there would be no objection to purchasing them from the said item of appropriation or the similar one which you say has been made to the Department of Supplies.

If the money appropriated as above is not needed for apparatus or equipment, and can, in the judgment of your Department, be wisely expended for automobiles, I would suggest that, upon the reassembling of Councils, a transfer or substitution of the appropriation be made for that purpose.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 1, 1912.

*In re powers of Bureau of Building Inspection as to
buildings in Fairmount Park.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your request of July 31st for an opinion whether the erection of buildings in Fairmount Park comes under the jurisdiction of the Bureau of Building Inspection; whether such buildings must comply with the Acts of 1893, 1899 and 1903, relating to building inspection in this City, and whether it is necessary to secure permits from the Bureau of Building Inspection for such erection, alterations or repair.

Full jurisdiction and control over Fairmount Park and the improvement thereof, the erection, repair, alteration and supervision over buildings therein and similar power of the widest scope was given to the Fairmount Park Commission by the Acts of March 26, 1867 (P. L. 547), April 14, 1868 (P. L. 1083), and April 21, 1869 (P. L. 1194). Thus in the Act of 1867, Section 5, it is provided that "all plans and expenditures for the improvement and maintenance of the same (*i. e.*, the Park) shall be under their control, subject to such appropriations as Councils may from time to time make," and by Section 19 of the Act of April 14, 1868, it is provided that "the said Park Commissioners shall have power to * * * construct all proper bridges, buildings, highways and other improvements therein." Other sections of this and some other Acts amplify the powers thus conferred.

In the recent case of *Wakelin vs. Philadelphia*, 21 D. R. 39, the power of the Park Commission with respect to buildings within the limits of Fairmount Park was the subject of a learned and elaborate discussion by Staake, J., of Court of Common Pleas No. 5, who, among other things, decided that the executive officers of the City of

Philadelphia have no jurisdiction over Fairmount Park or buildings erected or to be erected therein, but that the Park Commissioners have exclusive authority and control thereof under the above mentioned Acts, which authority and control they cannot in any manner relinquish or delegate.

The Acts to which reference is made in your letter, to wit: those of June 8, 1893 (P. L. 360); May 5, 1899 (P. L. 193), and April 25, 1903 (P. L. 304), do not in terms repeal the provisions of the statutes relating to Fairmount Park. The earliest of these—Act of June 8, 1893—is an amendment to the Bullitt Bill, which in terms preserves all the powers of the Park Commissioners. See *Wakelin vs. Philadelphia, supra*.

The Act of 1899 reorganized the power of the Bureau of Building Inspection, providing, in Section 5, that it should be unlawful to proceed with the erection, enlargement, alteration, repair or removal of any building or part thereof unless a permit should first be obtained from the Bureau of Building Inspection, and in other sections providing the requirements as to such buildings. It has never been thought that this series of Acts applied to buildings erected or altered in Fairmount Park, and I am informed that it has not been the custom to apply for or obtain permits for the erection or repair of such buildings or to proceed therewith in the manner prescribed by such Acts, and it must be supposed that, if the Legislature had intended to change this practice and provide that the Fairmount Park Commissioners should be required to obtain such permits and to erect or repair buildings under the supervision and in conformity to the rules of the Bureau of Building Inspection, that intention would have been expressed in unmistakable language. In the absence of any such indication appearing in the statutes providing for the establishment of the Bureau of Building Inspection in this City, and in view of the plenary power given to the Commissioners of Fairmount Park under the Acts of 1867, 1868 and 1869, I am of the opinion that it was not the purpose of the Legislature to repeal or alter the provisions of the last mentioned series of Acts, and, there-

fore, that it is not necessary for the Park Commissioners to secure permits or to erect or alter buildings within the Park limits in conformity with the Acts relating to the Bureau of Building Inspection or with the rules of that Bureau, the erection or alteration of such buildings coming within the sole jurisdiction of the Park Commissioners.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 2, 1912.

ALEXANDER M. WILSON, Esq.,

Assistant Director,
Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of July 12th stating that you advertised for bids for alterations to certain property in the City and received but one bid, and inquiring whether you are obliged to accept this bid and award the contract to the bidder.

I presume you followed in the advertisement the usual custom of reserving to the Director the right to reject any or all bids received, if he deems it for the best interest of the City to do so, and the Director would therefore be justified, if he saw fit, to reject the one bid received in response to said advertisement.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 5, 1912.

In re vacations of employees of the Electrical Bureau.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—In reply to the letter of Clayton W. Pike, Chief of the Electrical Bureau, under date of August 1, 1912, in which he sets forth that he desires to ascertain what legal provision, if any, exists governing the question of vacations for the employees of the Electrical Bureau, permit me to say that on July 13, 1911, there was passed an ordinance (Ordinances of Councils 1911, page 265) reciting that whereas it was customary and proper to grant reasonable vacations with pay to many employees, and whereas certain branches of the service, especially the per diem men, who are the poorest paid, have been inadvertently deprived of the benefits of such arrangements, that "therefore, be it resolved, that the head of each and every Department, Bureau, Division and branch of the City Government be, and is hereby requested, if possible, to arrange upon an equitable basis a vacation during the summer months for each and every regular employee under his control; *Provided*: That such vacation shall not interfere with the complete and proper conduct of the service and shall not necessitate the employment of additional help or the increase of any salary or wage item."

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 5, 1912.

In re orders for warrants to the Wilson Tile Company.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter of this date from the Assistant Director of Public Safety, stating that orders for warrants in “the Wilson Tile Company matter” were delivered to one Edgar C. Van Dyke, as attorney for Wilson; that it is now desired to withdraw the orders given Mr. Van Dyke for the warrants and to issue other orders to Wilson, and inquiring whether a notice of the cancellation of the original orders given to Van Dyke should be issued, and whether your Department has the right to annul the original orders and issue new ones, under the circumstances.

It is by no means clear from the letter what the circumstances are. If the Wilson Tile Company was the contractor, orders in payment of the contract price should not have been issued to Mr. Van Dyke unless written authority to do so from the contractor was furnished, and it was grave error to have issued such orders. Having issued the orders, however, it must be assumed to have been by inadvertence, and the Controller should be notified not to honor the orders and written demand should be made upon Mr. Van Dyke to return them. If he does so, substituted orders may then be issued to the Wilson Tile Company. If Mr. Van Dyke refuses to return the orders, I would be averse to your issuing other orders, which would probably result in the delivery of the warrants and the payment of their amount to the Wilson Tile Co. while orders for the same warrants were outstanding in Mr. Van Dyke’s hands, and I would not advise you to put the City in this equivocal position unless indemnity shall be

furnished safeguarding it against any loss which might result therefrom.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 7, 1912.

In re legality of hiring dredges for cleaning of canals without advertising for bids.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of the Department of Public Works, stating that under the appropriation of \$10,000 to the Department of Public Works, Bureau of Highways, for the improvement of water courses, it is desired to hire certain dredges for that purpose, the improvement of the water courses being most expeditiously and best done in this manner and at a cost of about one-sixth of doing the same work by other engineering means.

It is stated in the letter of the Chief of the Bureau that there are only one or two dredges available which are of the size and shape requisite for the work of cleaning the Swanson street canal, and the opinion of this Department is asked whether "we could legally hire the few available dredges at a daily rental, without advertising for bids and a public letting."

I am of opinion that it is not necessary to advertise for bids for the hiring of the dredges, in view of the circumstances stated, and that they may be legally hired without such advertising and public letting.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 7, 1912.**Wyoming avenue, Sixteenth to Eighteenth street; whether legally opened to its full width.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to the request of the Chief Engineer and Surveyor, approved by the Assistant Director of the Department of Public Works, for an opinion whether Wyoming avenue, from Sixteenth to Eighteenth street, is legally open to its full width, or whether the portion south of the center of the street may be considered legally open, I transmit copy of the report of Mr. Fairies, the Assistant City Solicitor in charge of the Road Bureau, *pro tem.*, to the effect that Wyoming avenue is now open from the west line of Sixteenth street to the northwest line of Windrim avenue. Windrim avenue from the south line of Wyoming avenue to the east line of Eighteenth street is not open, but as the City owns the property on the southeast side of Windrim avenue, it could at any time open it by authorizing work to be done therein.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 8, 1912.**In re payment for work not included in original contract; new home for the indigent at Holmesburg.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 7th inst. concerning contract for the Blind Building E, New

Home for the Indigent at Holmesburg, together with copy of a letter to yourself from Philip H. Johnson, the architect, and a bid from the Wayne Contracting Company, for an additional fire tower for the dormitory for the blind, at a cost of \$3,510.

Section 17 of the specifications (page 7) is, in my opinion, broad enough to cover this extra or additional work, if in the judgment of the architect or yourself it has become necessary, and if the provisions of that section are followed with respect to a written order for the work by the Director and the architect, the price of which should be fixed in advance by those officials.

The limit of this contract, however, is \$621,000, and the price bid for doing the work is the same amount. No warrants could be drawn on the basis of the contract in excess of that sum, and if the \$3,510, which is proposed to be expended by virtue of the present change is intended to be added to the sum of \$621,000, there is no power to extend the contract in that manner. If, however, other changes should be proposed to be made reducing the amount bid, so that the entire sum to be paid, including this additional payment, shall not exceed \$621,000, I see no objection to this course being followed.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 8, 1912.

In re fire hydrants; Holmesburg and Disston Water Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of August 7th, with copy of a letter to the Chief of the Bureau of

Water from the president of the Holmesburg and Disston Water Company, offering to replace twenty-five old style fire hydrants with a like number of new ones of the type which the City now uses, if the City will furnish the hydrants free of cost.

The Chief of the Water Bureau in transmitting the communication states that the hydrants now in use are old, unreliable and worn out and should not be allowed to remain, and recommends that the City accept the offer of the water company, if this can legally be done.

The ordinance of July 2, 1888 (page 241) authorizes the laying of water pipe by the Holmesburg Water Company and the Disston Water Company in certain portion of the Twenty-third Ward, and provides that "said water companies shall erect, maintain and supply with water, without charge to the City, all fire hydrants that may be required by said Department."

Under this provision of the ordinance I think there is no obligation upon the part of the City to furnish the hydrants free of cost, and this was also the opinion of my predecessor, the late J. Howard Gendell, Esq. (see Opinions of City Solicitor 1909, p. 120).

If, however, it is deemed for the advantage of the City in promoting the uniformity and efficiency of its fire service that the old hydrants be replaced by those of a better and more modern type, I do not think the provisions of the ordinance referred to would prevent the City officials from making the exchange requested, especially as it may admit of considerable doubt whether the company could be compelled to change its hydrants from time to time to conform to the improved types in common use, at the instance of the City and at the company's own cost. I, of course, have no knowledge whether the Water Bureau has hydrants available for the purpose or the necessary appropriation for the purchase thereof.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 9, 1912.**Status of City employees under soldiers' exemption clause.*

PETER BOLGER, Esq.,

Secretary, Civil Service Commission.

DEAR SIR:—I am in receipt of your letter of the 8th inst. requesting an opinion as to the status of City employees appointed under the so-called soldier and sailor clause of the Act of March 5, 1906, and who have not been selected from the eligible lists of the Civil Service Commission.

In the case of *Wood vs. Philadelphia*, 46 Superior Court 573, the provision of the Act of 1906 exempting soldiers and sailors and their widows and children from the operation of the Act was declared to be illegal and no such appointments can be made. Whether those now in place may be permitted to retain their positions upon the principles of the recent decision of Judge Carr in the *Armstrong, Young and Sheeran* cases is open to doubt.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 9, 1912.**Notice to abandon cesspool: change of ownership since notice.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your inquiry of the 8th inst., whether when notice to abandon a cesspool on any

property has been served in a legal manner, and before the expiration of the period of such notice the property changes hands, it is necessary to notify the new owner and to await another period of three months before taking action.

I am of opinion that it is not required to do this, but that the original notice is sufficient, even though there be a change of title during the pendency thereof.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 9, 1912.

In re interlocking device on elevators.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 8th inst., stating that upon an appeal from the decision of the Chief of the Bureau of Elevator Inspection refusing to grant permission for the installation of a certain interlocking device upon the elevator or elevators in the Eisenlohr Building, a commission of three experts was appointed as provided by ordinance of April 15, 1908, and for the guidance of said commission an opinion is desired from this Department whether or not the requirements of the interlocking device provided for on page 36 of the rules of the Division of Elevator Inspection governing the construction, operation and maintenance of passenger and freight elevators, prepared in 1905, with special reference to paragraph "D" thereof, are still in force; or whether the requirements of Section 16 of the ordinance of April 15, 1908, especially paragraph "D" of said section, should

be observed in place of those in the book of rules above referred to.

I am of opinion that if there be an inconsistency between the two, the provisions of the ordinance of April 15, 1908, should be observed.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 9, 1912.

Right to draw warrants against item misstated in ordinance.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 7th inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of the Department of Public Works, from which it appears that by ordinance of June 4, 1912, appropriations were made of \$650 to Item 73-e for installing telephones, etc., and of \$350,000 to Item 74-e for grading, the latter to be subject to future legislation; that by ordinance approved July 1, 1912, the grading of various streets was authorized, the cost of said grading to be taken from Item 73-e under ordinance approved June 4, 1912.

You inquire whether the error of specifying Item 73-e in the later ordinance in place of Item 74-e invalidates the entire ordinance, and if not, whether it would be lawful to advertise and contract for the grading of the streets, charging the cost against Item 74-e.

It is evident that the error is merely a clerical one and that the intention was to authorize the grading to be paid for out of Item 74-e.

I think you may properly advertise and contract for the grading, charging the cost to the latter item (74-e), and the City Controller will doubtless countersign warrants drawn thereon.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 9, 1912.

*Liability for repairs to bridge, Sixty-fifth street and
Springfield avenue.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of the Department of Public Works, in relation to a bridge built by the Philadelphia Rapid Transit Company in 1906, at Sixty-fifth street and Springfield avenue, in connection with the extension of the Sixty-fifth street line over Cobbs Creek.

It is stated that the Transit Company, which has heretofore maintained said bridge, now claims that because the City has taken over the bed of the bridge as a part of the proposed Cobb's Creek Parkway, the obligation to maintain the bridge has been transferred to the City. It is further stated that the bridge is in need of repair and the Transit Company questions its liability to make the repairs upon the ground above stated.

I do not think the City officials should accede to this claim, but should require that the Transit Company continue to maintain the bridge and keep it in repair. I find nothing in the circumstances mentioned which would operate to transfer to the City the responsibility for main-

taining the bridge hereafter. Upon the subject of the Transit Company's liability for repairs to bridges, see the opinion of J. Howard Gendell, Esq., late City Solicitor (Opinions City Solicitor, 1907, page 176).

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 12, 1912.

*Liability of the Philadelphia Railway Company to sprinkle
the streets and repair drains along its route.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of letter of the 8th inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, in reference to the obligation of the Philadelphia Railway Company, successor of the Southwestern Street Railway Company, to sprinkle the streets and roads over which its line runs, and to repair the trunks and drains therein. Counsel for the Railway Company object to these requirements "for the reason that in our opinion the trunks are for the drainage of the adjoining land, and therefore their repair, as well as the sprinkling of the roads, are not included in the maintaining in good order of the streets and roads traversed by the company's line of railway, and that our client's only obligation is to keep the roads themselves in proper order and repair."

The ordinance of January 17, 1898, page 28, and the agreement pursuant thereto under which this railway is operated, require it "to keep and maintain in good order at

all times, whether paved, macadamized or unimproved, all streets, avenues or roads traversed by its lines of railway or by its trolley system."

With respect to the sprinkling—if, as stated by you, the roads require more or less frequent application of water to properly maintain them, and also to prevent them becoming a nuisance by reason of dust, this would seem to come within the provisions of the ordinance requiring the Railway Company to maintain in good order the highways upon which it runs.

I do not think this language should be so narrowed as to apply only to the making of repairs. "To keep and maintain in good order" includes everything that may be necessary, not only to repair the roads and maintain them as to their condition so far as mere engineering is concerned, but also to keep them in a good travelable condition.

Similar considerations apply to the trunks and drains. If in the building of the highways it was necessary to supply these devices in order that the drainage of the adjacent land might not overflow the roads, thus affecting their condition as highways fit for travel, and perhaps also permanently injuring them, then it would seem to follow that those trunks are integral parts of the "streets, avenues or roads," and that the failure to keep them in repair would be prejudicial to the good order of such highways within the meaning of the ordinance; and therefore that the obligation rests upon the Street Railway Company to make the repairs necessary to prevent such conditions being brought about. The fact that the drainage is that flowing from land bordering upon the highways would not, I think, militate against this conclusion if the foregoing assumptions are correct.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 13, 1912.**In re dredging of mud deposits from docks.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 12th inst. asking whether the phrase “clean and free from obstructions” in the twelfth section of the Act of June 8, 1907, creating the Department of Wharves, Docks and Ferries, applies to the dredging of mud deposits from the docks, and whether in case of the refusal of owners to do such dredging as may be directed by your Department, they may be proceeded against in accordance with the method detailed in the paragraph referred to. You state that accumulations of mud form the commonest and most serious obstructions to navigation found in our docks, and it is felt that this section of the law was intended to refer to mud as well as to artificial obstructions. In this conclusion I concur.

The words of the Act of 1907 to which your refer are, in my judgment, to have the same construction as was applied to words of similar import in the earlier Acts upon the subject, and I think the uniform practice has been to require, under those Acts, that the wharf owners dredge the docks not only of artificial obstructions but of the natural accumulation of mud and silt arising in the lapse of time.

The Act of May 13, 1856 (P. L. 567), made it lawful for Councils to provide for the cleaning of the docks on the Delaware and Schuylkill fronts of the City and to require the owners of piers which surround such docks to cleanse the same, provided that no dock shall be cleansed to a greater depth than the natural bed of the river.

By Act of April 22, 1858 (P. L. 449), this requirement was repeated and the right to provide for the doing of the work and the filing of liens for the cost thereof,

upon the refusal of the wharf owners to cleanse the docks, was given to Councils.

By Act of May 20, 1864 (P. L. 906), the powers thus conferred upon Councils were transferred to the Board of Port Wardens; and the Act of 1907 in turn vested these powers in the Department of Wharves, Docks and Ferries. The authority of the Board of Port Wardens under the Act of 1864 to require the cleaning of the docks and to file and recover upon liens on default to do so after due notice was sustained in the case of *Easby vs. City of Philadelphia*, 67 Pa. 337, and was recognized in the recent case of *Haley vs. American Agricultural Chemical Co.*, 217 Pa. 354; 224 Pa. 316.

I think it is clear, both from the language of the series of statutes above mentioned and from the known and settled custom, that the wharf owners may be required to cleanse the docks and remove all obstructions, natural or artificial, so that the navigable character of the water within the docks may be maintained, and in order that they may continue to fulfil the purpose for which they are intended.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1912.

CYRUS D. FOSS, JR., Esq.,
Secretary to the Mayor.

DEAR SIR:—I have received your letter of the 12th inst., in which you say that you are handing me “herewith drafts of releases to be executed by the Keystone State Construction Company in connection with the passage of the ordinances of Councils referred to therein.”

They relate to payments to the contracting corporation for work alleged to have been done under two illegal con-

tracts. The releases recite that these contracts were rescinded by the agreement of the parties without stating the reason for such action. The inference is, therefore, that they were legal and binding on the City. As I have already stated to the Mayor, the contracts, in my opinion, were illegal and the ordinances had no legal or moral consideration to support them. I do not wish to be put in the position of giving any official approval to them, or any part of the transaction. Still, I am willing to say that the papers submitted, so far as I have any knowledge of the transaction, seem to be good releases for the matters covered by them. The papers, I observe, state among other things that the contracting company "absolved" the City. This is a theological term and unusual in a legal document. Besides, I think the absolution, if any, has been already granted, but not by the contracting company.

I herewith return to you the drafts.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1912.

In re Young, Sheeran and Armstrong cases.

FRANK M. RITER, Esq.,

PETER BOLGER, Esq.,

LEWIS H. VAN DUSEN, Esq.,

Civil Service Commissioners.

GENTLEMEN:—In reply to your letter of the 12th inst., with respect to the Sheeran, Young and Armstrong cases, permit me to inform you that I had already forwarded to the Director of the Department of Public Safety a copy of the Court's opinion and asked him to favor me with his views upon the question of taking appeals.

Regarding the right of the Civil Service Commission to require appeals to be taken because, as you say, "It is a party to the litigation," permit me to say that body was originally a defendant in one of the cases—*Armstrong vs. City*—but the record shows that which you have strangely overlooked, for you were present: to wit, that the plaintiff in open court formally withdrew the bill as against you and no relief as to the Civil Service Commission was prayed for or granted—you have therefore ceased to be a "party."

In my former letter to your secretary I informed him of my intention to seek the advice of the Director of the Department of Public Safety as to the proposed appeals, and to be largely guided thereby.

In my view, that official is to be consulted in a matter so vital to the morale and efficiency of the Department under his charge and to the welfare of the City, as is here in question. It is an important subject, involving as it does the status of fourteen hundred or fifteen hundred policemen now in service, and I deem it my imperative duty not to take any action in disregard of whatever policy he may have formulated for the conduct of that Department. I also expressed to him my opinion that the decision of the Court was a just and equitable one, and that the taking of appeals in these cases with the object of removing a great number of faithful public servants who were appointed in a manner for which they were in no degree responsible, but who were not otherwise derelict, would be inadvisable. Especially does this seem to me to be so in view of the change in the requirements under your new rules, which would debar many of them from reappointment upon the police force, thus compelling them to vacate positions which they have filled for years without censure.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 19, 1912.**In re contracts in which Councilmen may be interested.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry of the 16th inst., whether you should investigate an allegation made by the next lowest bidder for a certain contract, that the lowest bidder is in reality a member of Councils, although the name under which he trades is not that of a member of Councils.

Section 51 of the Consolidation Act of February 2, 1854, provides that a member of Councils who is interested in City contracts shall be liable to impeachment, and it is made a misdemeanor for him to be so interested by Section 66 of the Act of March 30, 1860, P. L. 400. The Act of May 23, 1874, Section 6 (P. L. 233), is to the effect that no member of Councils, or any Department of the City Government, shall be in any way interested in such contracts, directly or indirectly, or shall furnish any materials or supplies or labor for such contracts. The Bullitt Bill (Act of June 1, 1885), Article XIV, P. L. 52, forbids any contract to be made with a Councilman for work to be done for, or property or materials to be sold or supplied to a city of the first class or any department thereof, and further provides that if any Councilman knowingly acquire an interest in any such contract he shall forfeit his office.

It will be observed that the latter Act distinctly prohibits the entering into contracts with members of Councils, or into contracts in which they shall be interested, but does not prescribe how far it shall be the duty of the heads of Departments to investigate any allegation of interest upon the part of a Councilman. Whether an investigation should be made rests therefore upon you.

The evasion or violation of the statutes should not, of course, be permitted.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 19, 1912.

In re supply of water outside City limits.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Water, stating that application has been made for a supply of water to 12 houses erected in Cheltenham Township, Montgomery County, about 600 feet outside of the City limits, and inquiring whether the application should be granted.

I find no general ordinance which authorizes connection to be made with the City mains for furnishing water beyond its limits. As the Chief of the Bureau of Water points out, this has only been done in the past in special cases, under authority either of an Act of Assembly or an ordinance, and there is no power in the executive Department of supply water outside the boundaries of the City unless so authorized. If the applicant desires this privilege he should procure the passage of an ordinance for that purpose.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 21, 1912.

*Contract for additional work—fire house, Fifty-fifth
and Pine streets.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of August 12th, in reference to the construction of a police, fire and patrol station and stable, southwest corner of Fifty-fifth and Pine streets.

It appears that a contract was executed for the erection of these buildings at the price of \$86,429, the lot being of irregular shape; afterwards, under an ordinance of Councils, a triangular piece adjoining the lot was purchased so that the lot is now square. The contractor has furnished an estimate of the additional cost of building the walls to conform to the shape of the lot as it now exists, the amount thereof being \$1,656.44, and inquiry is made whether a further contract can be entered into with him for the doing of the work.

With respect to somewhat similar changes to fire houses at Sixth and Lehigh avenue and Belgrade and Huntingdon streets, this Department advised you on May 6th, last, as follows:

“The practical inconvenience involved in advertising for new bidders for the doing of this work would be very great, and would in all probability be quite expensive to the City, because, under the contract, there is no method for compelling any allowance in the City’s favor for that part of the work which the original contractors would not be called upon to do. Moreover, it will readily be appreciated how much confusion would be imported into the doing of the work if two sets of contractors should be employed thereon simultaneously, to say nothing of the

consequent division of responsibility for the final result."

I think that the same principles apply in the present instance, and therefore, if there are sufficient funds to the credit of the item of appropriation, you would be justified in entering into the further contract concerning which your inquiry is made.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 22, 1912.

In re proposals for furnishing incandescent lamps.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 17th inst., enclosing rough draft of proposals for furnishing incandescent mantle lamps, concerning which the opinion of this Department is asked.

The form thus suggested contains blanks for three alternative bids. In the case of *Parker vs. Philadelphia*, 220 Pa. 208, the action of the head of a Department in asking for alternative bids under the circumstances of that case was sustained, the Supreme Court adopting the language of the lower Court to the effect that:

"We are of opinion that, under our law, specifications for alternative bids are not *per se* unlawful; that in this case all bidders had an equal chance to bid on the alternatives, and that the failure of a particular bidder to avail himself of all the opportunities does not vitiate the bids of the others."

In another portion of the opinion, however, the Supreme Court stated that:

“Where articles can be manufactured by any one in precise conformity to certain and specific requirements, or purchased in an open market at a standard price, there is no valid reason for asking for alternative bids.”

It is thus seen that, while alternative bids are not in themselves illegal, the Courts will scrutinize with care the action of the Director in inviting them, and will not sustain them unless some good reason therefor is shown. Where such reason exists, I am of opinion that alternative bidding is not unlawful, and if there is in this instance any real occasion for so doing, it would not be improper to ask for bids for the furnishing of the lamp tops, they to be removed by the owner, and alternatively on condition that they remain the property of the City.

These alternatives are expressed in the first and second clauses of the bids as proposed. The third clause in effect reserves to the City the option whether to buy the lamps at the end of the year on three months' previous notice. This may complicate the bidding and confuse intending bidders, thus opening the contract to attack. I would therefore recommend that the third clause be eliminated, the City contenting itself with alternatives one and two, and deciding at the time of the award of the contract whether it intends to become the owner of the lamps at the expiration of the term thereof.

I think it would also conduce to clearness if prospective bidders were notified at the end of the statement of the options that “bids will be received under either or both of the foregoing alternatives,” or, if the three options shall be retained, that “bids will be received under any or all of the foregoing alternatives.”

I notice at the end of the second paragraph of the proposal a reference to “the said year.” No year is mentioned in what precedes this, and I would suggest the substitution of “the year 1913.”

To your second inquiry—whether it would be proper to specify that on demand the contractor shall remove any proportion of the lamps after December 15th so as to permit the new contractor to get the lamps in place—I see no reason why this should not be inserted in the contract or specifications, in accordance with advice heretofore given you by this Department.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 23, 1912.

In re financial responsibility of surveyors for mistakes.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 22d inst., stating that there is a tradition in the Bureau of Surveys that the members of the Board of Surveyors are individually responsible financially for their mistakes, and that they have the right to fine employees under them for making errors, both of which precedents you state are opposed to good organization. You inquire whether there is anything in the law that makes the situation in the Survey Bureau different from what it is in any other branch of the service.

I know of nothing in the law which at present makes the situation in the Survey Bureau different from what it is in the other Departments and Bureaus of the City Government. The tradition to which you refer probably arose from the case of *Alcorn vs. Philadelphia*, 44 Pa. 548, which in 1863 held that under the system then prevailing by which the District Surveyors were elective

officers, the City was not responsible for their mistakes, and that if any one were so responsible it was the surveyors themselves, especially in view of the fact that their relation to persons for whom they made surveys was not a municipal one. By virtue of the Act of June 1, 1885 (Bullitt Act), the District Surveyors are no longer elective, and the Alcorn case would probably not be regarded as authoritative under present conditions.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 23, 1912.

In re filling vacancy in Board of Surveyors.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your inquiry whether there are any provisions, either of State law or City ordinance, which must be observed in filling the position of a member of the Board of Surveyors other than those which obtain in filling other positions in your Department.

The Act of May 13, 1856 (P. L. 570), Section 13, requires each District Surveyor to have three years' experience in the business of regulating and surveying after having completed his apprenticeship and become of lawful age.

I do not find that this portion of the Act of 1856 has been repealed, although it is true that other Acts of Assembly providing for the election of District Surveyors have been modified by the Act of June 1, 1885, so that they are now appointive.

The Civil Service Act, however, applies to the District Surveyors, and they are therefore required to undergo an examination and be certified in the same manner as are other officers and employees of the City, but this does not make a candidate eligible for the position unless he has three years' experience, as required by the Act of 1856.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 24, 1912.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—I am sending you herewith petitions for leave to the City to file its own bonds, which are in proper form, in the following ordinances, in all of which, under the mandate of Councils, the Mayor is directed to enter security, and in some of which I, as the City Solicitor, am required to proceed:

"An Ordinance condemning the unopened portion of Cobb's Creek Park and Parkway, between Market street and the south line of Cedar avenue extended, as an open public place for the health and enjoyment of the people," approved May 4, 1911.

"An Ordinance to condemn and appropriate property bounded by Twenty-first street, Vine street, Parkway, Twentieth street and Summer street, and a line 200 feet southwest of the Parkway," approved July 29, 1911.

"An Ordinance selecting plot of ground bounded by Frankford avenue, Foust street, Willow street, Dark Run lane, Charles street and Conily street," approved July 29, 1911.

"An Ordinance to authorize the opening of so much of the Parkway as is bounded by Callowhill street, Twenty-second street, Shamokin street and the southwesterly line of the Parkway," approved August 4, 1911.

"An Ordinance to condemn for school purposes the lot or piece of ground situate on the east side of Hutchinson street, at the distance of 207 feet $1\frac{1}{4}$ inches southward from the south side of Lindley avenue; also, the lot or piece of ground situate on the east side of said Hutchinson street, at the distance of 121 feet $5\frac{1}{4}$ inches southward from the south side of Lindley avenue, in the Forty-second Ward of the City of Philadelphia," approved August 11, 1911.

"An Ordinance to condemn for school purposes the lot or piece of ground, with the improvements thereon, situate on the east side of Hutchinson street, 164 feet $3\frac{1}{2}$ inches south of the south side of Lindley avenue, in the Forty-second Ward of the City of Philadelphia," approved August 11, 1911.

"An Ordinance selecting plot of ground bounded by Olney avenue, Sixth street, Tabor street and the North Pennsylvania Railroad, for the health and enjoyment of the people," approved August 18, 1911.

"An Ordinance to condemn and appropriate certain property on the north side of Summer street and the east side of Twenty-first street for municipal building purposes," approved November 28, 1911.

"An Ordinance to authorize the opening of certain portions of Seventh, Eighth, Tenth, Eleventh, Twelfth, Thirteenth, Wingohocking, Courtland, Loudon and Ruscomb streets," approved April 6, 1911.

"An Ordinance to authorize the physical widening and raising of the grade of Chestnut street, and the east approach to the bridge over the Schuylkill river; authorizing the revision of the curb lines of Chestnut street, from Twenty-second street to the Schuylkill river, making an appropriation for the work, providing for carrying into effect such authority, and authorizing the Mayor to enter security for damages to private property," approved July 31, 1911.

"An Ordinance to authorize the opening of the unopened portion of the north side of Chestnut street, between Tenth and Eleventh street," approved May 25, 1911.

"An Ordinance to authorize the opening of Marvine street, from Rockland street to Lindley avenue," approved June 8, 1911.

"An Ordinance authorizing the opening of Stokley street, from 400 feet northwest of Roberts avenue to Queen street," approved June 8, 1911.

"An Ordinance to authorize the opening of Washington lane, from Chew street to the County line," approved September 7, 1911.

"An Ordinance to authorize the opening of the unopened portion of Greenway avenue, from Fifty-fourth to Fifty-sixth street," approved September 7, 1911.

"An Ordinance to authorize the opening of Benner street, from Walker street to Erdrick street; and Erdrick street, from Comly street to Benner street," approved September 7, 1911.

"An Ordinance to authorize the opening of Moore street, from Tenth to Eleventh street," approved December 1, 1911.

"An Ordinance to authorize the opening of certain portions of Pike, Luzerne, Sixteenth and Seventeenth streets and Wayne avenue," approved December 2, 1911.

"An Ordinance to authorize the opening of Twenty-sixth street, from Tasker to Moore street; and Twenty-seventh street, from Morris to Moore street," approved December 2, 1911.

"An Ordinance to authorize the opening of Eleventh street, Luzerne street, Sixth street, Tenth street, Hunting Park avenue and Fishers avenue," approved December 2, 1911.

"An Ordinance to authorize the opening of Logan street, from Pulaski avenue to the line of Happy Hollow Play Ground," approved December 2, 1911.

"An Ordinance to authorize the opening of Rutland street, from Herbert to Foulkrod street," approved December 2, 1911.

"An Ordinance to authorize the opening of the unopened portion of Mill street, between Holmesburg avenue and Welsh avenue; Welsh avenue between Mill street and Erdrick street," approved December 4, 1911.

"An Ordinance to authorize the opening of certain portions of Forty-eighth, Fiftieth, Fifty-fourth, * * * Spruce streets, and Walton avenue," approved December 4, 1911.

"An Ordinance to authorize the opening of the unopened portions of Chestnut, Walnut and Sansom streets, between Sixty-second street and Cobb's Creek Parkway; and Ludlow street, between Forty-sixth and Markoe streets," approved December 4, 1911.

"An Ordinance to authorize the opening of the unopened portion of the south side of Chestnut street, from Thirteenth street to Juniper street," approved July 13, 1912.

"An Ordinance to authorize the opening of Markoe street, from Chestnut street to Walnut street," approved July 13, 1912.

"An Ordinance to authorize the opening of certain portions of Almond, Fifty-sixth, Gorgas, Locust, Mifflin and Webster streets, Parkside and Susquehanna avenues," approved July 9, 1912.

"An Ordinance to take, use and appropriate certain properties, bounded by Sixteenth street, the line of Apple-tree street and the Parkway, and also properties bounded by Seventeenth street, the line of Appletree street, Arch street and the Parkway, and to authorize the opening of so much of the Parkway as is bounded by the line of Appletree street, Sixteenth street and Arch street, and authorizing the entering of security for the payment of damages," approved July 3, 1912.

The total amount of money which the City will be compelled to pay under these ordinances, from as careful reports as I am able to have made, will be \$2,277,973.57, and the foregoing list does not include all the ordinances approved during 1912—only those that have been of-

pecially brought to my attention. You will recall others, such as "White Hall Commons," nor does the amount named include the land to be taken for school purposes, which will have to be paid for directly by the Board of Public Education.

Because of the conditions of affairs, I have from time to time taken the liberty to suggest that you should communicate with Councils recommending the repeal of various ordinances, and I again urge upon you the wisdom of so doing. The balance in the City Treasury at present available for mandamuses is only \$516,170.49, the whole of which would be required to pay for the taking of the Belmont Cricket Club and the balance of Cobb's Creek Park. In addition to the ordinances herein recited, it should also be borne in mind that there are now pending proceedings before the Board of View, Road Juries, or in the Court of Common Pleas on appeal, proceedings in which land has been taken or damage thereto suffered, and for which the City will have to eventually pay a sum which is fixed by those in charge of the particular Bureau and so reported to me at \$6,870,691.16. Some of this litigation has been pending for years, but the day for payment is quickly coming. It is absolutely needful that there shall be set aside from out of any new loan at least the sum of \$3,000,000, and that out of the appropriations available for the year 1913, at least \$2,000,000 in addition.

The presentation of these petitions to you and these facts which I lay before you ought, I think, to draw very sharply to your attention this one phase of the financial condition in Philadelphia, and there ought to be drawn therefrom but one conclusion.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 26, 1912.

*In re striking off claims for laying water pipe in front
of certain churches, etc.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 24th inst., transmitting an ordinance, which has passed Councils and is awaiting action by the Mayor, directing the striking from the records of the Department of Public Works and the City Solicitor of claims for laying water pipe in front of certain churches and the Evangelical Home for the Aged. In accordance with your request, said ordinance is returned herewith.

The Act of June 4, 1901 (P. L. 364), Section 5, provides that "actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity shall not be subject to tax or municipal claims, except for the removal of nuisances, for sewer claims and sewer connections, or for the recurbing, paving, repaving or repairing of the footways in front thereof."

It is seen from this statute that liens for the laying of water pipe cannot be filed against places of religious worship or of purely public charity. It is therefore proper to strike such claims from the records of your own and of this Department in order that they may not appear upon searches for claims against such premises, thus putting the owners thereof to considerable trouble. An ordinance directing that they be stricken from the Department records is the most convenient method of avoiding this difficulty, even if such an ordinance be not actually necessary.

The ordinance concerning which you inquire is in the usual form, and I agree with the Chief of the Bureau of

Water in thinking that there is no reason why the approval of the Mayor should not be given to it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 27, 1912.

In re locking device on elevators.

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of the 21st inst., enclosing communications to yourself from two of the members of a Commission of Experts appointed upon appeal from the decision of the Bureau of Elevator Inspection concerning interlocking devices, as provided by Section 30 of the ordinance of April 15, 1908, page 106, and requesting the opinion of this Department upon the questions asked by them.

The inquiries are:

(a) Whether the locking device to be attached to passenger elevators may be either mechanical or electrical, or whether a mechanical device must be attached to every elevator.

(b) Whether the locking device must be automatic.

(c) Whether the locking device should not be such as to lock and hold the car fast upon the opening of any door on any floor, or whether merely upon the opening of the door on the floor nearest to which the car happens to be.

The first section of the Act of May 30, 1895 (p. 129), provides that:

“All elevators that are now in use or that may hereafter be constructed in this State for the car-

riage of passengers are required to have placed thereon or attached thereto such automatic locking device, electrical or mechanical, as will hold immovable and secure the carriage used in such elevator while any gate, door or doors at the landing that is used for entrance thereto or exit therefrom is or are open and unsecured; the said automatic device, electrical or mechanical, to place the power of controlling the elevator beyond the control of the attendant while any gate, door or doors on the landing leading to the carriage is open and unsecured."

The above Act is general, applying to all elevators for the carriage of passengers in any part of the State. By the subsequent Act of May 28, 1907 (P. L. 297), the several cities of the Commonwealth were authorized to provide for Bureaus of Building Inspection, and complete power was given to said cities to provide with respect to the construction and operation of elevators. Thus it was enacted, in Section 2, that such cities may from time to time provide that every elevator or hoist which may be used in said city, the kind and character of materials that may be used therein, or in any way of the appliances attached thereto, or connected therewith, and the kind and character of safety devices required shall be subject to the approval of the Chief of said Bureau. Various other powers were given to cities in this connection. Among them the authority to provide:

"Whatever, in their judgment, is necessary or convenient to the public, in the use of said elevators or hoists, in order to insure the safety of the passengers or property being carried upon the same: *Provided*, That before any particular manufacture of elevator or hoist, or appliances connected therewith, shall be finally rejected as dangerous or unsafe, the manufacturer thereof shall, if he requests it, be given a public hearing before the Chief Inspector, and an opportunity to prove the safety and non-dangerous character of his make of elevator or hoist or appliance."

In my opinion, this Act was intended to vest in several cities of the State plenary power of control, giving them the right to make such provision as was deemed proper for the safety and convenience of those using passenger elevators within their respective limits.

Pursuant to the Act of 1907, the Councils of this City passed the ordinance of April 15, 1908 (p. 106), containing 32 sections and embracing extensive and elaborate provision for the establishment of a Bureau of Inspection of Passenger and Freight Elevators, providing in great detail for the method of constructing and operating them, and covering the entire subject matter of the Act.

Under the power given by the statute to delegate the authority of Councils to the Chief of the Bureau of Elevator Inspection, in Section 3 of the ordinance, the Chief of the Bureau was authorized to condemn any mechanical part or appliance connected with elevators, if, in his judgment, it is dangerous or unreliable. By Section 16 it is provided that where any interlock already installed is found to be unreliable or does not conform to the requirements of the Bureau, it shall be condemned, and by Section 31, the elevator inspectors, with the concurrence of the Chief of the Bureau, are empowered to require safety appliances in addition to those mentioned in the ordinance when, in their judgment, the same may be necessary to better provide for the safety of the public. The 16th section of the ordinance is concerned with the requirements of locking or interlocking devices. The first paragraph of that section provides that "all passenger elevators must be equipped with mechanical interlocks, and all interlocking mechanism must conform to the requirements of the Bureau." Clause "d" of Section 16 provides that:

"The locking device, electrical or mechanical, shall be such as will hold immovable and secure the carriage used in such elevator, while any gate, door or doors at the landing that is used for entrance thereto or exit therefrom is or are open and unsecured;"

and clause "f" is to the effect that:

"The device, electrical or mechanical, shall be such

as to place the power of controlling the elevator beyond the control of the attendants while any gate, door or doors on the landing leading to the carriage is open and unsecured."

The provisions of clauses "d" and "f" are similar in effect to the requirements of Section 1 of the Act of 1895, above quoted, except that the word "automatic," which appears in the Act, is omitted from the ordinance.

As already stated, in my judgment, the Act of 1907 was intended to give to cities absolute supervision and control with respect to the regulation of elevators, and when the requirements of an ordinance passed pursuant to the later Act differ in any respect from those of earlier statutes, the provisions of the ordinance must prevail.

Concerning inquiry (a)—whether the locking device may be either mechanical or electrical—I am of opinion that it may be either mechanical or electrical. It is true that the first clause of Section 16 seems to provide only for mechanical interlocks, but both clauses "d" and "f," which are concerned with the details respecting the interlocks, allow both electrical and mechanical devices to be employed; and it is to be inferred either that the word "mechanical" in the first clause is used in some different sense, or that in amending the ordinance in its passage through Councils "d" and "f" were changed to their present form—the necessity for a like change in the first clause of the section being overlooked. However this may be, I think the language of "d" and "f" should be given effect, especially as in this particular the ordinance is thus brought into harmony with the Act of 1895, and that therefore either an electrical or mechanical interlock is permissible.

In answer to question (b)—whether or not the locking device must be automatic—I am of opinion that it need not be automatic. The omission of the word "automatic" in the ordinance is evidently intentional, and since the sole power of regulation with respect to the subject has been confided to the City, the ordinance, which was obviously passed to supply all the requirements deemed

proper, should be interpreted without reference to other requirements in earlier statutes.

(c) "Whether the locking device should not be such as to lock and hold the car fast upon the opening of any door on any floor, or whether merely upon the opening of the door on the floor nearest to which the car happens to be." On this subject the provisions of the Act of 1895 and of the ordinance of 1908 are identical. Both provide for an interlocking device which "will hold immovable and secure the carriage used in such elevator while any gate, door or doors at the landing that is used for entrance thereto or exit therefrom is or are open and unsecured." It is apparent that this language is intended to provide for a device which will hold the carriage immovable while the gate or door at the landing used for entrance to or exit from the elevator is open and unsecured, and this without reference to the gates or doors at other landings than the one affording entrance to and exit from the elevator at the time. That this is the purpose both of the statute and of the ordinance is emphasized by its repetition a few lines below in the Act of Assembly and in clause "f" of the ordinance—with the modification that the landing is described as "leading to the carriage." Both phrases mean the landing at the floor at which the elevator is at rest for taking on or leaving off passengers and do not refer to any other landing.

A fourth inquiry is rather suggested than made in the letter of one of the experts, who states that:

"The ordinance of Councils, approved April 15, 1908, covers the requirements under the Act of May 30, 1895; also, the section of the rules under ordinances of Councils of April 6, 1900, applying to interlocking devices are covered by the ordinance of April 15, 1908, with the exception of paragraph D in both rules and the ordinance. While these two paragraphs are not inconsistent in that an interlock can meet the requirements of both paragraph D of the rules and paragraph D of the ordinance of 1908, and generally the devices erected have complied with paragraph D of both the rules and the ordinance."

Whether paragraph "d" of Section 16 of the ordinance is or is not inconsistent with paragraph "d" of the rules of the Bureau adopted in 1900 is a question for engineers to solve, and one with respect to which this Department cannot venture an opinion.

Very truly yours,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 28, 1912.

Payment of fees for inspection of boilers in public schools.

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of August 27th, whether the Bureau of Boiler Inspection should charge the Board of Public Education fees for inspection of boilers in public schools in this City.

The Acts of Assembly and ordinances bearing upon this subject make no exception with regard to the fees to be paid for inspecting boilers, but since the property devoted to school purposes in this City formerly belonged to the Municipality, it has been the custom not to make such charges with respect to the inspection of boilers in the public schools. Under the new School Code of 1911, however, the school property has ceased to belong to the City, and is now vested in the Board of Education of the City of Philadelphia, which is a distinct sub-division of the Commonwealth.

I am of opinion, therefore, that no reason now exists why the fees for boiler inspection in the public schools should not be charged as in other cases, said fees being payable into the City Treasury.

Very truly yours,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 28, 1912.**Damage to motor launch—payment of expenses.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—In reply to your inquiry of the 27th inst., I am of opinion that an expense of \$30 to \$35 to repair a motor launch lent by a motorcycle patrolman to the Police Bureau, and which launch was damaged by striking a sunken log in the river while upon patrol duty, may be borne out of Item 12, annual appropriation to Department of Public Safety by ordinance of December 29, 1911, "for maintenance, repairs, miscellaneous expenses of running police boats, \$1,000."

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 3, 1912.**In re widening of Chestnut street, between Juniper and Thirteenth streets—affection of stores.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—In reply to your letter of the 30th ult., in which you say that you have "received three communications from stores which will be affected by the widening of Chestnut street between Juniper and Thirteenth streets, asking for a postponement of building operations

until after the Christmas holidays," permit me to say that the deferring of action will, in the opinion of this Department, in no wise jeopardize the interests of the City.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 3, 1912.

In re proposed ordinance No. 129.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I return herewith the proposed ordinance left with me to-day by your Mr. Oram with a request that I send to you a report thereon.

Permit me to say that under date of March 7th last this Department sent to you a report concerning those bills pertaining to the Road Bureau introduced in Common Councils on Thursday, February 1, 1912, and that contained therein was the following:

"Page 19. Ordinance selecting and appropriating plot of ground bounded by Fifty-eighth street, Fifty-ninth street, Vine street and Callowhill street for park purposes. Carroll Park, which was purchased and improved by the City about five years ago, is only two blocks north of this tract. It is only six blocks westward from this plot of ground to Cobbs Creek Park. The only cause for the appropriation of this block seems to be that it is the only block that is not built on in a completely built-up neighborhood. The reason for the delay in building is in a measure due to the fact that there was a large excavation

where coal was taken out for a brickyard which used to be operated east and west of Fifty-ninth street, between Vine street and Callowhill street.

"The ordinance should not be passed."

I may say in addition that this land embraces nearly six acres and that the damages to be paid by the City would probably be at least ninety thousand (90,000) dollars.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 3, 1912.

In re proposed ordinance No. 167.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—I return to you herewith proposed ordinance sent to me by you "To place on the City plan and condemn the plot of ground with buildings and improvements thereon, situated northwest of Twenty-first and Chew streets in the Forty-second Ward, for a public playground for the health and enjoyment of the people, and place such ground under the custody and management of the Board of Recreation."

I have received from the Road Bureau of this Department the following:

"Reporting on an ordinance to place on the City plan and condemn the plot of ground, with buildings and improvements thereon, situated northwest of Twenty-first and Chew streets, in the Forty-second Ward, for a public playground, etc.

"I beg to advise that this ordinance appears to me to be defective, in that the description of the land proposed to be taken is not correctly written, the lines seeming to overlap; also that in Section 2 the word 'not' is omitted before the words 'now on the plan.'

"A more substantial objection is that the property proposed to be taken for a playground is less than three full blocks north of Wistar Woods Park, which runs from Lindley avenue to Somerville street, and from the Philadelphia, Germantown and Norristown Railroad on the west to Nineteenth street on the east. Wistar Woods Park joins Wistar station and contains an area equal to about six City blocks. I have an impression also that the City has only recently (December, 1911) acquired an addition to Wistar Woods Park. Only recently, Councils passed an ordinance to appropriate another tract of ground in the Twenty-second Ward for a playground and park, to be known as Tabor Park, located about one and one-half miles east of the land at Twenty-first and Chew streets.

"Water View Park contains about one City block and is located about one-half mile west of the proposed playground.

"In my opinion there is no present need for this playground, especially in the Forty-second and Twenty-second Wards, which it will border, there being in this neighborhood much open ground and a large number of wide streets.

"I recommend that the ordinance be not approved.

"Yours very truly,

(Signed) "EDWIN O. LEWIS."

I submit the report to you for your information and guidance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 3, 1912.**In re playing baseball on Sunday.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 27th ult. with reference to games of baseball played on Sunday under the auspices of clergymen whom you name and who are encouraging such games, as you state, for the purpose of keeping young men off the streets and out of worse harm.

You say that these games are played upon private lots; that they do not occasion disorder or trouble of any kind whatsoever and involve no breach of the peace; also that no admission fee is charged thereto.

The Act of April 12, 1794 (3 Smith's Laws 177), Section 1, forbids any person to use or practice any unlawful games, hunting, shooting, sport or diversion whatsoever on Sunday under the penalty of a fine of four dollars upon conviction of the offence. In the case of *Commonwealth vs. Meyers*, 8 Pa. C. C. R. 435, it was decided that playing baseball on Sunday upon private ground without disorder did not constitute a breach of the peace.

It will be noted from the foregoing excerpt from the Act that it is the practising of "unlawful" games, etc., which is prohibited. I do not find that baseball is included among games or diversions which are made unlawful. The playing of tennis, golf and other like games in private grounds on Sunday within the limits of this City, as elsewhere, is quite common and, so far as I am aware, is not thought to be illegal. It is open to any person who desires to test the question to take the initiative in proceedings for that purpose. In a matter of this character, you are at liberty to use your own judgment in a great degree in deciding as to the activity of the police. I think no obligation rests upon you to require them to take action to

stop games of baseball played in the circumstances indicated by you. You would not be remiss in your duty, in my opinion, were you to remit to those holding the view that such games are unlawful the taking of steps to prevent them.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 5, 1912.

*Richmond Branch Elevated; Philadelphia and Reading
Railway Company; opening of additional streets.*

GEORGE S. WEBSTER, ESQ.,
Chief Engineer and Surveyor.

DEAR SIR:—I am in receipt of your letter of the 20th ult., approved by the Director of the Department of Public Works, wherein after directing attention to the contemplated opening of certain additional streets between Lehigh avenue and Somerset street, under the Richmond branch of the Philadelphia and Reading Railway, you ask:

(1) "Whether the City of Philadelphia can require the Philadelphia and Reading Railway Company to bear the whole or a part of the cost, including damages to property, for the opening of Tulip, Emerald and Jasper streets under its tracks as they existed prior to the elevation and enlargement now under construction?"

(2) "Whether in the event of the City authorizing by ordinance the opening of Tulip, Emerald and Jasper streets, between Lehigh avenue and Somerset street, the Railway Company can be required to pay the cost of building the necessary bridges and abut-

ments to carry its tracks as they existed prior to the elevation and enlargement now under construction, over the said streets?"

You enclose copies of correspondence upon this subject with Mr. Theodore Voorhees, vice president of the Philadelphia and Reading Railway Company, including a letter of the latter dated June 25, 1912, wherein he says:

"I note your position and agree that the Railway Company is liable for the entire cost of constructing such bridges with their supports as may be necessary to carry the *additional* tracks which are now being laid over the proposed new streets, Jasper, Emerald and Tulip, in accordance with the agreement that we entered into under date of June 28, 1910, under the ordinance of October 13, 1906. * * * I have carefully examined the conditions under which the bridges have been built and the streets opened, in which both the Railway Company and the City have been interested for a number of years past, and fail to find any precedent that would require the Railway Company to contribute towards the cost of opening the said three streets and constructing bridges over those streets to carry the railroad tracks as they existed before the commencement of the work of abolishing grade crossings."

Thus whilst admitting its liability for the entire cost of bridging necessary to carry over the new streets, *the new and additional tracks* comprised in the enlargement of its trackage facilities, the company claims that it is not liable to pay any part of the cost of constructing bridges to carry over such new streets the railroad tracks as they existed before such enlargement and "before the commencement of the work of abolishing grade crossings."

In my opinion the position thus assumed by the Railway Company is an untenable one.

From your letter and from the records therein referred to, the facts appear to be as follows:

By ordinance of October 13, 1906 (Ordinances 1906, p. 214), enacted pursuant to the Act of June 9, 1874 (P. L. 282), a contract was authorized to be entered into between the City of Philadelphia and the Philadelphia and Reading Railway Company for the relocation, change and elevation of certain portions of the lines of railroad of said company, among the expressed purposes being "to enable the said Railway Company to *dispense* with grade crossings on the line of its Richmond Branch, so-called, between Somerset street and Richmond street; to provide for the vacation, widening and opening of certain streets *mentioned* in this ordinance;" and "to provide for the carrying out and completing all work of every character necessary to abolish all said grade crossings and incidental thereto."

In Section 8 of said ordinance it is provided as follows:

"When and as the Railway Company shall determine from time to time to enlarge its track and yard facilities on its Richmond branch between Somerset street and Richmond street, on lands owned by it, the City of Philadelphia hereby consents to the widening and enlargement of the said railroad, and to the widening and enlargement of the bridge structures and their supports, carrying the said railroad over the several streets now opened or to be hereafter opened under the provisions of this ordinance. * * * The entire cost and expense of the widening and enlargement of the said railroad and the said bridge structures and their supports shall be wholly borne and paid by the Railway Company."

It is stipulated therein that the plans and specifications for such work shall be prepared by the Railway Company and be submitted for the approval of the Director of the Department of Public Works, and that "if in any case * * * the Mayor shall determine that for the due protection of the City, the special covenant of the Railway Company for the indemnity of the City is necessary or desirable, he shall require the Railway Company to enter

into due covenants and agreements with the City in form and substance to be approved by the City Solicitor, to save, indemnify and keep harmless the City of Philadelphia on account of the work so proposed to be done by the Railway Company."

In Section 14 of said ordinance it is stipulated that "except wherein it is herein otherwise expressly provided, the City and the Railway Company shall each pay one-half of all expenses of or connected with the execution and completion of all the work herein provided for," and in Section 15 it is provided that: * * * "The costs, expenses and damages incurred by reason of the opening, widening, vacating or change of grade of any street as herein authorized or by reason of the execution of any of the work herein provided for, shall be included in the monthly settlements, so that the Railway Company shall pay its share of such costs, expenses and damages as soon as the same has been finally determined."

The contract, thus authorized was entered into between the City and the Railway Company under date of March 28, 1907, and it contains the various covenants stipulated for by the ordinance, including those above recited.

Subsequently the Railway Company having decided to enlarge its track and yard facilities on its Richmond branch, pursuant to Section 8 of said ordinance the Company entered into an agreement with the City under date of June 28, 1910, covenanting to indemnify and save harmless the City "from and against any and all manner of damages, costs or expenses arising or that may arise from the enlarging of the tracks or yard facilities, or any part or portion thereof, including the cost of the bridge structures *necessary to support such enlargements* of its track and yard facilities over streets now upon the City plan whenever the said streets are authorized to be opened by ordinance of Councils."

In the ordinance of 1906 and the contract of March 28, 1907, there are certain streets mentioned to be opened in connection with the Richmond branch of the Railway Company, from Lehigh avenue to Somerset street. There

is no mention therein of Tulip, Emerald or Jasper streets, although the latter streets were then upon the City Plan by decree of approval of the Court of Quarter Sessions entered July 1, 1843, pursuant to Act of May 3, 1832. The Railway Company has no title to the bed of Tulip street as now intended to be opened, but has simply a right of way over the same, but at both Emerald and Jasper streets the Railway Company owns the bed of the streets,—the title thereto having been conveyed originally to the Philadelphia and Reading Railroad Company in 1840, and having been subsequently acquired in 1896 by the present corporation, the Philadelphia and Reading Railway Company, incorporated in the latter year under the provisions of general railroad legislation of this State.

Since the making of the said contracts with the Railway Company, *i. e.*, by ordinance of July 21, 1911 (Ordinances 1911, p. 286), City Councils appropriated “for opening streets under the Richmond branch of the Philadelphia and Reading Railway, between Richmond street and Kensington avenue, five hundred thousand (500,000) dollars, subject to future legislation by Councils,” and you state that this was done “to meet the great demand made by the large business interests and by the citizens in the northeast section of the City * * * in order to give greater and more convenient access to that section lying north of Lehigh avenue,” and that “it is understood that the work to be accomplished is the opening of Tulip, Emerald and Jasper streets, between Lehigh avenue and Somerset street.” You further state that the funds set aside by the ordinance of 1911 “are approximately half the amount that will be required to complete the work, and pay for the damages to properties.”

It is true that the proposed new streets now in question were not mentioned, either in the ordinance of 1906 or in the contracts based upon said ordinance. The work now contemplated, however, would seem to have been within the spirit of the ordinance and of the contracts, since the declared purpose in both was to “dispense with grade crossings” on the line of the Richmond branch of the rail-

way between Somerset and Richmond streets. Notwithstanding this the Railway Company now contends that the covenants provided for by the ordinance and contained in the contract do not apply.

What then are the obligations of the parties?

The opening of the three streets named is not in the interest of the Railway Company or for its especial benefit, but is to be had, as you have stated, for the public convenience and in the interest of the citizens of the northeastern section of the City. Under such circumstances, and in the absence of any covenant or agreement that it should be otherwise, the liability for the payment for property taken in connection with such opening of said streets, and for the damages and cost incident thereto, is one resting upon the City.

As to the bridging required to carry overhead the railroad tracks in the crossing of said new streets, a different proposition, however, presents itself.

Under date of March 21, 1912, I had the honor to submit to the Select and Common Councils of Philadelphia an opinion relative to the power of the municipality in abolishing railroad grade crossings. The opinion is printed as Appendix 56, page 89, of the Journal of Select Council for the present year (1912). Therein I advised it to be a valid exercise of the police power to require railway companies to construct crossings other than at grade, and that even after the construction of its railroad line at grade, a railroad company may, under the police power, be compelled, at its own expense, to remove its tracks as laid and to carry them above or below the surface to render the public highways safe for travel, whenever due and proper regard for the protection of human life requires such course to be taken. This applies not only to cases of streets in existence at the time of the construction of the railroad, but also to new or additional streets subsequently opened for public convenience.

I adhere to the conclusions expressed in that communication to the record of which I now respectfully refer you. It is not necessary to here repeat at length what is therein

expressed, or to again dilate upon the various decisions and authorities in that opinion reviewed. It is sufficient to say that the power to provide new and convenient highways to meet the requirements of growth of business and population and to serve the public necessities is a right of sovereignty. To make such highways safe is a sovereign duty. Both are fundamental. Both have been delegated to the City, and all rights, franchises, powers and privileges acquired in any way by railroad corporations, the creatures of the State, are subject to the lawful exercise of such sovereign or dominant right and duty by the State, or by its duly authorized municipality. Of course, a mere arbitrary whimsical or unreasonable regulation or requirement will not be deemed to be a valid exercise of the police power, but any municipal regulation or requirement bearing a fair relation to the protection of human life—and the abolition of these railroad grade crossings is such—would be sustained by the Courts as a reasonable exercise of the power.

In some jurisdictions, in considering the liability of railroad companies as to the construction of crossings at streets, a distinction is drawn between cases of streets in existence at the time of the building of the railroad and those of new streets subsequently opened. That no such distinction is to be drawn in determining the liability is the better opinion, which is, as expressed in *Elliott on Railroads*, Second Edition, Volume 3, at Section 1102, after a careful consideration of the various decisions and of the subject, viz.:

“The authority to require railroad companies to construct crossings at highways rests upon the police power of the State, and as a railway company acquires its rights subject to the police power, it seems to us that it is a just exercise of such power to hold that railway companies may be compelled to construct crossings at those highways which are afterwards opened and laid out across their right of way.”

The questions propounded by you are therefore answered as follows:

(a) The opening of Tulip, Emerald and Jasper streets being for the general public convenience and not for the benefit or in the interest of the Railway Company, or at its request, the City of Philadelphia cannot require the Philadelphia and Reading Railway Company to pay either the whole or a part of the cost of such opening.

(b) In the event of the opening of said streets, between Lehigh avenue and Somerset street, the Railway Company can be required to pay the entire cost of building the necessary bridges and abutments to carry over such streets not only its new and additional tracks, but as well "the tracks as they existed prior to the elevation and enlargement now under construction."

In conclusion I may say that heretofore the City authorities and the officials of the Railway Company in this most important work of abolishing the grade crossings have worked in entire harmony, acting under the ordinance of 1906 and the provisions of the written contracts. That the City assumed and has paid a part of the cost of bridging the streets for the carrying of the railroad tracks, an expense which independently of its contract it could not have been compelled to bear, was doubtless because by the terms of the contract it was not only permitted to share in the supervision of the work, but also secured from the Railway Company contribution towards the payment of the damages, costs and expenses involved in the opening, widening and change of grade of the several streets mentioned in the ordinance of 1906.

The work now referred to by you, and as to which the questions submitted have arisen, if it be not within the strict letter of the contract and ordinance is, as I have said, certainly within the spirit of the same, and it is to be hoped that there will be reached some amicable adjustment avoiding the dispute now threatened, and permitting this important undertaking to be carried to completion in harmonious relation between the parties.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 7, 1912.**In re approval of pay-rolls.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am informed by you that owing to the absence of Director Cooke and the illness of Assistant Director Reed, the payment of wages to 5,000 of the City's employees in the Bureaus of Water and Highways to the amount of some \$66,000 is now delayed, owing to the fact that the pay roll has not been approved. I understand, however, that warrants for the payment of these wages have been drawn in blank and signed by Director Cooke. It seems that there are thus in existence "warrants on the Treasurer signed by the head of the appropriate Department," as is required by Article VI of the Bullitt Bill, and you present the question whether under the circumstances you can designate some person to approve the pay rolls. I am of the opinion that you have such power.

There would clearly be no violation of the Bullitt Bill or of any other law or ordinance if the City Controller countersigned and the City Treasurer paid out money on warrants so drawn and filled in. The approval of the pay rolls, however, is necessary and may legally be done by any person designated by you for that purpose, who should sign his name approving such pay rolls, adding the words "by direction of the Mayor."

Under the above peculiar circumstances an emergency has arisen in which you plainly have not only the authority to act, but also a duty to perform under that section of the Bullitt Bill which makes you "responsible for the good order and efficient government of the City."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 10, 1912.**In re placing of clocks containing advertisements on sidewalks adjoining buildings.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of August 31st with reference to the placing of clocks containing advertisements upon the sidewalks adjoining buildings throughout the City, and asking whether or not the placing of such clocks would be a breach of ordinance or a violation of any law relative to the obstruction of the highways, and whether it would be necessary for the Clock Company to obtain the authority of Councils for the erection of such clocks. In a copy of a letter from the Clock Advertising Company, which you forward, the clocks are described as being of steel substantially and handsomely built, ten feet high, thirty-two inches wide, twenty inches deep and designed to stand on the sidewalk against the building to the wall of which they are fastened, being placed there by mutual arrangement with the owners or lessees of such buildings.

Under the ordinance of December 24, 1864, p. 504, it is made a nuisance to place goods, wares or merchandise, whether for sale or otherwise, upon streets of a width of fifty feet and upwards, extending more than four feet three inches upon the footway and to a height of four feet six inches, above which height to the top of the first story they may not extend from the house line more than one foot six inches.

By ordinance of September 23, 1864, Section 10, page 358 (Brown's City Digest 1234, Section 17), it is further provided that it shall be a nuisance

“To extend or project from any dwelling or building, except inns, any sign-board, pole, or other de-

vice or thing to denote or show the place of business or the merchandise or things which the occupant thereof has to dispose of, into, or over any of the footways of any street of the City, below the top of the first story, or to a greater extent than four feet three inches on any other part of such building."

There are other ordinances regulating the placing of signs to project at designated distances beyond the building line, or at less than fixed heights above the pavement on various streets. These are collated in Brown's City Digest, pages 1231 to 1234.

Under the provisions of the ordinances above referred to I am of opinion that the placing of the clocks upon the sidewalk in the manner proposed, unless authorized by a further ordinance, must be regarded as a nuisance, and should not be permitted.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

In re right of the City to rent its bulkheads.

Philadelphia, September 10, 1912.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of a recent letter from the Assistant Director of your Department, accompanying plans of the river front north and south of Market street, which show the piers, bulkheads, etc., on the Delaware river, and which were kindly sent in connection with an earlier inquiry as to the right of the City to rent its bulkheads, especially with reference to certain bulkheads

therein mentioned. An answer to that inquiry has awaited the furnishing of the said plans, as Mr. Meigs was informed.

It is stated in the letter originally sent, that while rental is collected from a number of City-owned bulkheads, many of the others are occupied, at least in so far as the dock space in front of them is concerned, by private individuals or corporations rent free; that these bulkheads are mainly at the ends of streets, and while in some cases wharf structures are built out into the river, in others the ownership covers only the bulkheads and whatever water rights in front of them are carried thereby.

It is further stated in that communication that within the limits of the old City it is understood that there is no question whatever of the actual ownership of the street ends and the control of the water rights in front of them by the municipality, but that outside of this area the ownership of the various streets running to the water front appears to be difficult of ascertainment in many cases.

In the City of Philadelphia proper—that is to say, between the north side of Vine street and the south side of South (Cedar) street—the title to the streets is vested in the City by the Charter of William Penn, of October 25, 1701, which provides that “the streets of the said City shall forever continue as they are now laid out and regulated, and the end of each street extending into the Delaware shall be and continue free for the use and service of the said City and the inhabitants thereof, who may improve the same for the best advantages of the City and build wharves so far out into the river there as the Mayor, Aldermen and Common Council shall see meet.” These rights were continued in the City of Philadelphia by Act of March 11, 1789 (2 Smith’s Laws, 474, Section 40). The like rights were granted with respect to the Schuylkill river ends of the highways running east and west by Act of March 25, 1805, Section 6 (4 Smith’s Laws, 234). By Act of May 30, 1780, Section 2 (1 Smith’s Laws, 506), the right to lease wharves and public landing places was conferred upon the Wardens of the

City, that right being transferred to the City itself acting through the Department of Wharves, Docks and Ferries, by Act of June 8, 1907 (P. L. 488).

An account of the grant of right in the water front by William Penn to the original settlers anterior to the Charter of 1701 will be found in Lewis on Original Land Titles, and in the first volume of Proud's History of Pennsylvania, 244, and it would be superfluous to set it forth here.

A riparian owner of property adjoining a navigable stream has an absolute ownership to ordinary high water mark, and a qualified ownership to ordinary low water mark; the land between high water mark and low water mark, when covered with water, is subject to the right of the public to navigate over it, and the owner cannot, without the consent of the Commonwealth, construct any erection thereon which will interfere with such navigation; and the bed of a navigable river below low water mark is owned by the Commonwealth, and no structure may be placed therein except by license from it, directly or indirectly. The authority to grant such license to riparian owners has been conferred successively by Acts of March 29, 1803 (4 Smith's Laws, 67); April 5, 1868 (P. L. 755); and the Acts of 1907, subject to the limitations prescribed in those Acts, under the latter of which that power is exercised by your Department.

Under the Act of 1868 it was held in the case of Cramp's Appeal, 13 Philadelphia, 16, that the City, not being the owner of the beds of the streets outside of the original City limits, was not entitled to a license to project a wharf into the river from the ends of those streets, that right being reserved exclusively to the riparian owners, and the City being merely the custodian of the surface of the streets for highway purposes, the ownership of the soil under the streets remaining in the abutting owners upon each side of the highway. When the City owns the land adjacent to the street, however, it has the same title to the land in the bed of the street that any other owner would have.

As has already been seen, the situation of the City with respect to the streets within the old municipal limits is somewhat different. As to these, as the grantee of William Penn under the Charter of 1701, the legal title to the beds of the streets may be said to be in the City; but even as to these streets the language of the grant charges the City with a trust for the benefit of the inhabitants. As was said in the case of *Struthers vs. Bickley*, 9 Phila. 539, which concerned litigation under a lease from the City of the wharf at the Schuylkill end of Walnut street, and which required for its determination the construction of the Charter of 1701 and the Act of 1805 assimilating the western extremities of those streets to the Delaware ends thereof—"the corporation (*i. e.*, the City) became thereby the mere custodians of those portions of our streets for the free use thereof of the public. It could do nothing with them which would in any wise interfere with the rights of the public, and as a necessary consequence cannot confer upon any one a right to their exclusive use. If it has a right to lease them for any purpose, which is not apparent, certainly it must be exercised in such a manner as not to interfere with the free enjoyment of the public rights."

Holding the wharves, docks and bulkheads at the extremity of the streets within the old City in trust, as above stated, the City cannot sell the same, which would be to disregard such trust; and outside of the old City limits it has already been seen that the City is not regarded as a riparian owner by virtue of its qualified proprietorship of the public streets running to the river. It may, however, both within and beyond the original boundaries of the City, lease its wharves, and likewise its bulkheads, having due regard for the rights of the public, and not conferring upon the lessee an exclusive right thereto in such manner as to deprive others of the use thereof when not in use by the said lessee, and on payment of reasonable charges; nor interfering with respect to the docks with the right of adjacent wharf owners. The water in the docks or basins between the piers remains vested in the Commonwealth (see Section 2, Act April 18, 1868,

P. L. 755), but the owners of such wharves are entitled to use them and to charge and receive compensation for their use by others; nor can they be deprived of free access thereto or to their wharf properties.

By the Act of 1868, wharf owners have concurrent rights in the docks between adjoining piers, and provision is made for the apportionment of the dockage fees by that Act and the Act of April 8, 1851 (P. L. 354), Section 5.

The seventeenth section of the Act of June 8, 1907 (P. L. 494), confers authority upon the Director of the Department of Wharves, Docks and Ferries to lease for a period of ten years the storage facilities, wharves, docks bulkheads, slips and basins of the City, but this is not to be construed as giving any further power to lease the wharves and bulkheads than that which previously existed; or, in other words, to lease them free from the rights of the public and as to bulkheads, basins, etc., from those of adjacent wharf owners. The City as the owner of wharf properties has the right to use the adjoining dock in the same manner and to the same degree that other wharf owners would have; that is to say, it may use it in such manner as may be reasonably necessary for the proper enjoyment of the wharves; it may moor vessels in the river alongside of such wharves; it may charge reasonable dockage fees for the privilege to others of using the piers or wharves to dock in and to receive and discharge cargoes, and it may use the docks as highways to and from its wharves, with full power to lease its rights to others. But it has no property in the dock, the title to which, as already stated, is reserved to the State. As the owner of bulkheads along the line of the river it has the same rights of user, etc., with respect to the water in front of such bulkheads—that is to say, the water in the dock—which rights, however, are subservient to the rights of the adjoining wharf owners to use the dock in connection with their wharves. Wherever the City may be the owner of the land on which the bulkhead is built it would unquestionably have the right to lease such bulkhead property, not in a manner, however, to prevent the

owners of adjoining piers, or those claiming under them, from having and enjoying free access to their properties, or to interfere with them in occupying so much of the dock as may be essential to a reasonable and proper use of their wharves. Upon bulkheads either at the end of highways running to the river, or along the side of a street adjacent to and co-terminous with it, the City also has the right of lease for the purpose of landing vessels, subject to the right of owners of adjoining wharves as explained; but in such cases the public highways must be kept reasonably free and unobstructed for public use, as is seen from the foregoing quotation from the case of *Struthers vs. Bickley*, and the lessee from the City of a bulkhead, either at the end or at the side of an open street, would therefore not acquire a right to store or place merchandise upon it in a manner causing an undue or improper obstruction of the highway.

I trust the foregoing may make clear to you the general principles applicable to your inquiry and from which answers to your questions may readily be deduced.

With respect to the particular bulkheads concerning which information is desired, and taking them up in their order:

North Wharves—Delaware River.

(1) "Summer street bulkhead; dock space used by the Pennsylvania Company for Insurance on Lives and Granting Annuities."

Upon the plan Summer street is shown as a narrow highway running west from Delaware avenue. Opposite to it on the east side of that avenue and extending into the river is a strip marked "City of Philadelphia." To the south of that strip is a pier extending to the pier-head line, which belongs to the Pennsylvania Company for Insurance of Lives, etc., Trustee. The space to the north, embracing another pier, is also marked "Pennsylvania Company for Insurance of Lives, etc., Trustee," leaving 96 feet between the two piers of that company, including a small stretch of water front between the south-

ernmost of that company's piers and that portion of the river which is opposite Summer street. The use of the entire 96 feet of water front would seem to be appurtenant to the Pennsylvania Company's piers in the sense indicated above.

(2). Canal street bulkhead; dock space used by the Estate of Thomas H. Powers."

Canal street at this point was formerly the bed of the Cohocksink Creek. By authority of an Act approved February 25, 1861 (P. L. 43), the Survey Bureau was authorized to place on the City plan a public street on the line of that creek, from Laurel street to the east side of Delaware avenue. By ordinance approved March 18, 1878, this was ordered to be done, provided that the parties interested file a bond to protect the City from claims, etc. The bond was duly filed, the Powers Estate being one of the parties signing it. Canal street east of Delaware avenue is not upon the City plan. The Estate of Thomas Powers owns Piers Nos. 35½ and 36, respectively south and north of the strip opposite Canal street, which street is shown on the plan furnished by your Department running west of Penn street 40 feet wide. The total space between the two piers of the Powers Estate is marked as being 58 feet in width. Any lease of this bulkhead would be subject to the rights of the Powers Estate in the use of the dock.

3. "Columbia avenue bulkhead; dock space occupied by the Estate of Charles Lennig."

At this point the City of Philadelphia is shown as owning property to the north of Columbia avenue, from Beach street to the river, the property on the south side of Columbia avenue being owned by the Lennig Estate. From both of these properties piers or structures are extended beyond the bulkhead line, each being described on the plan as "crib substructure; no superstructure." The ownership of the property north of Columbia avenue and abutting thereon by the City of Philadelphia would carry its title to the middle of that street, and the

City would have an equal right in the bulkhead water front with the owner of the property south of Columbia avenue. The space between the two piers is 103 feet, the structure of the City being some distance north of the north line of Columbia avenue, and the Lennig substructure being co-terminus with, or, rather, extending a short distance north of the south line of Columbia avenue. That street was opened from Richmond street to the Delaware river by the Court of Quarter Sessions in December, 1807 (Docket 6, page 139), 50 feet wide.

I think the circumstances with respect to this location would amply justify the City in leasing its right in the bulkhead and water front in which it enjoys conjointly with the Lennig Estate as owners of the pier to the south (No. 56); or, as suggested in a former opinion of this Department, appropriate arrangements might be made for the apportionment of the dockage charges. See opinion of the City Solicitor of June 10, 1908 (Opinions of City Solicitor of that year, page 115).

(4). "Palmer street bulkhead; dock space occupied by the Kensington Ship Yard Company."

It was at this point that the right of the City to extend a pier into the river opposite to the street was denied in Cramp's Appeal, 13 Philadelphia, 16. Palmer street is 50 feet wide. It was opened of that width from Richmond street to the Delaware river by the Court of Quarter Sessions on January 10, 1827 (Docket 9, page 174). Extending east of Beach street a short distance beyond the bulkhead line and opposite Palmer street there appears to be a crib substructure belonging to the City. Immediately to the north and extending to the pierhead line is Pier 62, owned by the William Cramp Ship and Engine Building Company, with a dry dock to the north thereof. That company is entitled to the proper use of the dockage space to the south of its pier. Whether the Kensington Ship Yard Company derives its right from the Cramp Company I am not informed.

(5). "Berks street bulkhead; street area between Beach street and bulkhead wall fenced off and used by the De-

Frain Sand Company, as well as the dock space in front of the bulkhead at the end of the street."

Berks street, from Beach street to the pierhead line, was opened by Deed of Dedication of George D. Van Seiver and Clare E., his wife, dated March 14, 1908, recorded in Deed Book W. S. V. 1019, page 1. The fencing off of the area between Beach street and the bulkhead wall upon Berks street therefore constitutes an unauthorized obstruction of a public highway. The plan submitted seems to show the existence of pier structures of the DeFrain Sand Company south of and opposite Berks street, and also north of that street, with a space of 30 feet which is north of Berks street, and not opposite thereto, marked "City of Philadelphia," the total space between the DeFrain Sand Company's structures being 82 feet wide. The plan at this locality indicates that the DeFrain Sand Company has dockage rights appurtenant to its piers in the 30-foot strip of water front referred to.

(6) "Dyott street bulkhead; dock space used by Hughes & Patterson and the Lehigh Coal and Navigation Company."

Dyott street, from Beach street to the bulkhead line, was opened on May 16, 1902, under authority of the ordinance of March 31, 1902, the City giving its bond to secure damages on the first mentioned date; it is built over the bed of the old Aramingo canal. The street is 100 feet wide. It does not appear that any wharf structure of the City is extended opposite to the street. Immediately to the north of Dyott street the crib substructure and concrete coal pocket of the Lehigh Coal and Navigation Company are found, and immediately south of the space opposite to that street is the pier of Robert John and William Henry Hughes, opposite the rolling mill of Hughes & Patterson, which abuts on the south side of Dyott street. The right of those abutting wharf owners to the use of the dock space between their respective piers is apparent from what has already been said.

South Wharves.

(1). Catharine street bulkhead; occupied by the American Ice Company.

(2). Queen street bulkhead; dock space occupied by the Pennsylvania Railroad Company.

(3). Tasker street bulkhead; dock space occupied by the Philadelphia and Reading Railroad Company.

Catharine street and Queen street were opened from Passyunk avenue to the Delaware river as public streets by Act of Assembly of September 29, 1787, and confirmed by the Supreme Executive Council January 5, 1790. See Court of Quarter Session Docket 1, pages 58 to 65.

Tasker street was opened from the river Delaware to Front street under petition dated October 25, 1830, and report of jury filed July 8, 1831, which was confirmed absolutely February 6, 1832, a further report thereon being filed June 30, 1832, and confirmed absolutely November 21, 1832. See Court of Quarter Sessions Docket 10, pages 152-171. Each of these streets is 50 feet wide, and opposite none of them has the City projected piers into the river.

At Catharine street the American Ice Company is the owner of Pier 39, immediately south of and adjacent to the dock opposite the street, Pier 38 north of Catharine street being owned by the Philadelphia and Reading Railroad Company. The total space between the two piers is 83 feet, including the 50 feet covering the width of the Catherine street frontage. At Queen street the Pennsylvania Railroad Company's Pier 41, extending to the pier-head line, abuts immediately to the south upon the space in the river opposite to the street, and at Tasker street the Philadelphia and Reading Railroad Company is shown on the plan as the owner of Pier 64, being a crib substructure 290 feet in length on the north side and 280 feet on the south side, extending some distance beyond the bulkhead line and abutting on the north boundary of the strip opposite Tasker street. South of such strip that

company is also shown to have a bulkhead frontage of 78 feet 10 inches, presumably corresponding to ownership of that width on the west side of Delaware avenue, immediately south of Tasker street.

From the foregoing facts as to the ownership of piers and water frontage at the respective locations south of Market street, it is evident that leases by the City at Catharine street, Queen and Tasker streets would be subject to the right of dockage appurtenant to the wharf properties owned severally by the American Ice Company, the Pennsylvania Railroad Company and the Philadelphia and Reading Railroad Company.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

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LAW DEPARTMENT.

Philadelphia, September 12, 1912.

In re dismissal of Officer Caspar.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of the 10th inst., requesting my opinion upon the following subject:

“At the hearing of Patrolman Benjamin Casper before the Police Board of Trial the Court found him guilty, as you will see by the accompanying decision, but recommended that mercy be shown him, and that a reprimand was sufficient.

“In view of the fact that this man actually committed perjury, I feel that he should be dismissed from the service, and I am writing to ascertain whether I have authority to exceed the decision of the Police Court of Trial.”

This letter was accompanied by the record of the trial before the Police Board, including the testimony taken, exhibits and the finding and recommendation of that Court.

An inspection of the record discloses that there was one charge against the officer, and that this charge contained two specifications. The charge was "conduct unbecoming an officer," and the specifications under this charge were as follows:

"1. That you were convicted of assault and battery and aggravated assault and battery on Julius Mascianotono by the Honorable Charles Y. Audenried, in Court No. 2; this on the eighteenth day of February, 1908, and

"2. That you made false affidavit in your application papers, filed with the Civil Service Commission, for appointment to the position of patrolman in the Bureau of Police; this on the thirteenth day of May, 1912."

The finding of the Police Board of Trial is as follows:

"Charge No. 1. Conduct unbecoming an officer. Specification No. 1, guilty. Specification No. 2, guilty; and recommends that Patrolman Benjamin H. Casper, No. 316, be reprimanded."

The finding concludes as follows:

"While the Court finds the defendant guilty of the charges preferred against him, they respectfully recommend him for the mercy of the Director of the Department of Public Safety."

This recommendation was made for the reason that "he (the defendant, Officer Benjamin Casper) states that when he filed his application with the Civil Service Commission, that on account of not serving any time that this matter slipped his memory. The Court believes that this is a case worthy of leniency, and therefore finds as follows——"

Then follows the finding already quoted.

You ask whether, in view of the fact "that this man actually committed perjury," you "have authority to exceed the decision of the Police Court of Trial."

I beg to inform you that not only have you authority to exceed "the decision" or recommendation of that Court, but that it is your duty to immediately dismiss Officer Benjamin Casper from the services of the City. Under ordinary circumstances a recommendation of mercy may be heeded by you, but in the present case you have no alternative but to forthwith dismiss the defendant.

The Act of June 1, 1885, P. L. 37, commonly known as the Bullitt Bill, provides, in Article III, Section 1, as follows:

"No person shall be employed in this Department as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime, unless pardoned, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment."

While the record discloses that the Court suspended sentence on the verdict of guilty, which the jury rendered, a conviction was had within the meaning of the Bullitt Bill. The purpose of that section of the bill was to exclude from employment in that Department of the Municipal Government, charged with the maintaining of order and the suppression of crime, men who had committed offences against the criminal law. That those who are to aid in securing observance of the law should themselves be not violators of it, is not only a reasonable requirement, but is a wholesome provision. It is not in deprivation of any right of the individual, but is in aid of securing an efficient and properly qualified police force to maintain order and prevent lawlessness. Therefore, though the Court in this case withheld the punishment or penalty for the crime by a suspension of the sentence, the conviction remains, and the conviction of crime under the law disqualifies the man as a police officer.

With respect to the powers of the Police Board of Trial, that Act also provides:

“Charges may be of disability for service, in which case the Court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned, or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the Court shall be one of trial, and its decision may authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them not exceeding one year, or to dismiss from the service.”

The finding of the Police Board of Trial was that the officer had falsely made affidavit in his application for the position that he had never been convicted of a crime. The finding of this falsity involved, of necessity, the finding that he had been convicted of a crime. This fact being established, under the first section of the Bullitt Bill, above quoted, he was incapable of holding an office in the Police Department of the City. The Bullitt Bill prescribes as a qualification for employment in the Department that the employee shall never have been convicted of a crime, or that if convicted he shall have been pardoned.

Under the decision of the Police Board of Trial, no recommendation, except immediate dismissal, could legally be made. You have no authority, in general to exceed or alter in any way the decision of the Police Board. But where its finding demonstrates a disqualification to hold employment in the Department, you are bound to drop the person so disqualified from the service. You do so not by way of inflicting a punishment, but in enforcing the law with respect to qualification for employment. There may be a doubt whether the technical offence of perjury was committed by the defendant in making a false affidavit in his application for employment, but you have before you a definite finding of fact,

which renders Officer Casper ineligible for employment in your Department, and it became your duty immediately upon receipt of the finding of the Police Board to dismiss him.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 13, 1912.

In re sub-contractors with municipalities.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—In reply to your oral inquiry I beg to inform you that the Act of Assembly of May 6, 1909 (P. L. 441), purporting to give a new remedy to sub-contractors with municipalities analogous to the Mechanics' Lien Law, was declared unconstitutional in the case of the Sax & Abbott Construction Co. *vs.* Wilkesbarre, which was decided by the Supreme Court on July 2, 1912, but which has not yet been reported.

The only remedy for such sub-contractors therefore is to proceed upon the bond required of the principal contractor by ordinance of March 30, 1896 (p. 68), and supplement thereto of April 3, 1909 (p. 71), which bond is commonly known as a "penal bond."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

In re exemption from the payment of water rent of property leased by the City from the Girard Trust Company.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of the letter of the Acting Chief of the Bureau of Water, approved by the Assistant Director of Public Works, concerning property at the southeast corner of Woodland avenue and Spruce street, owned by the Girard Trust Company and leased to the City as a police station, on which, it is stated, water rents have not been charged because of a clause in the lease stating that the water rent shall be “exempted,” and inquiring as to the propriety of such exemption.

I find that the lease provides that “in addition to the rent hereinbefore reserved the lessee (the City) agrees to pay, when due, any and all taxes and water rents which may be assessed against the leased premises during the term of this lease or any renewal thereof.”

The taxes and water rent are thus made a part of the rental to be paid by the City for the use of the premises, which provision it would not be open to the City to dispute during the term of the lease. It is therefore proper that the water rent should not be charged against the property in question while the City is occupying the same under said lease.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

*In re power of Bureau of Elevators as to condemnation
of elevators.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I have received your letter of the 14th inst., stating that a proposed ordinance for the regulation, etc., of elevators in the City of Philadelphia contained the following clause:

“Whenever the Chief of the Bureau of Elevator Inspection shall deem it necessary for the safety of the public he shall have the power to order the discontinuance of the use of any passenger, service or freight elevator, and condemn any mechanical part or unreliable appliance connected therewith, compel the owner, lessee or agent of the building within which such elevator is located, or any other person responsible for the running of the same, to make such alterations or repairs as he may deem necessary for the safety of the public before said elevator shall again be put in use;”

that said clause has been stricken out in Committee on the ground that the Chief of the Bureau has no power to condemn an elevator and compel the owner to cease operating the same, the only duty he can perform being to place an officer on guard to warn the public against the use of said elevator. You inquire as to the validity of this contention.

Section 2 of the Act of May 28, 1907 (P. L. 297), provides that “such cities may, from time to time, provide that every elevator or hoist which may be used in said city, the kind and character of materials that may be used therein, or in any way of the appliances attached thereto or connected therewith, and the kind and character of safety

devices required shall be subject to the approval of the Chief of said Bureau."

This statutory provision would, in my opinion, authorize the inclusion in the ordinance of the language in question.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

In re sale of articles found by policemen and others.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 13th inst., stating that a quantity of property in the Police Bureau found by policemen and others has accumulated since 1892, all of which has been advertised. You inquire whether these articles can be sold at public auction, how long they should be kept, and what procedure is necessary before the sale thereof.

I find no provision by ordinance or otherwise covering this subject. The usual course in such cases is to retain the articles thus found for a reasonable period—say, one year—and if not called for and identified, to sell them at public sale after due advertisement.

Where the finder of the article (not an employee of the City) is known and the loser does not call for it, the former is entitled to it. You will, of course, also understand that when the thing found has unusual value, or where for any special reason it is desirable to hold it for a longer period, or to make particular efforts to discover the owner, this should be done.

Perhaps it would be well to have an ordinance passed which would provide fixed and definite regulations with respect to the matter.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

*In re advertisements in souvenir book—Firemen's
Pension Fund.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of your letter of the 16th inst., stating that the Firemen's Pension Fund is to publish a souvenir book to contain advertisements which it proposes soliciting, the purpose being to increase its fund, and that it is suggested that an ordinance of the year 1908 might forbid this being done.

That ordinance, which appropriates money to the Pension Fund, provides that no part thereof shall be paid to any pensioner who is in receipt of an income from governmental employment, and further, that "members of the Bureau of Fire shall not seek to sell, offer for sale, dispose of, or cause to be offered or placed on sale for disposal, benefit tickets of any kind whatsoever."

This prohibition is confined to benefit tickets and cannot be construed to relate to the publishing of a souvenir book, or the solicitation of advertisements to be included therein. This, of course, has no bearing upon the question whether such solicitation is a wise or proper thing to be permitted, and you ought to consider whether the comparatively small sum eventually received by the Pension Fund as compared with the large amount paid by advertisers will

warrant you in giving your sanction to the project. In other words, is not the "Souvenir Book" mainly for the benefit of advertising agents, and does not the procuring of advertisements interfere with and prevent Philadelphia merchants from aiding the very worthy Pension Fund?

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

*In re jurisdiction as to approaches to piers, etc., east side
of Delaware avenue.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of an inquiry from the Assistant Director of your Department with respect to the meaning of so much of Section 8 of the Act of June 8, 1907, as vests in your Department the charge, control and supervision of the approaches to wharves, piers, bulkheads, docks, slips, basins and structures thereon, with especial reference to the eastern side of Delaware avenue, which is stated to be so closely connected with the administration of the piers that it is considered highly desirable that that part of the street should come under the same jurisdiction as the wharves themselves.

It is further stated that this portion of the street is frequently used as a storage place for cargo freight, and that the establishment of a line of demarcation, leaving to your Department a strip of the roadway of Delaware avenue approximately 50 feet wide, or preferably to the middle of the street, would be advisable.

Inquiry is made whether the matter of a practical division of the jurisdiction could not be perfected by an

understanding and agreement with the other Departments of the City Government interested, or whether additional legislation is necessary or desirable to settle the matter.

The Act does not define what is meant by the expression "approaches thereto." Usually this would be taken to signify the approaches running toward a pier or wharf. It may very well, however, have the broader meaning which your Department attaches to it, and in the circumstances indicated in the letter to this Department by virtue of which the necessity, or at least the propriety, of placing the eastern part of the highway within the control of the Department of Wharves, Docks and Ferries is suggested, I think it reasonable that the phrase as used in the Act should be so interpreted.

I see no necessity for additional legislation, nor any reason why a "practical division of jurisdiction" cannot be perfected by an understanding with the Department of Public Works (Bureau of Highways) in order that the supervision and control of a definite portion of Delaware avenue may be left to your Department.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1912.

In re authority as to cans of opened eggs unfit for food.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—Your letter of this date is at hand, in which you state that you have received a communication from the Dairy and Food Commissioner, saying that investigations by his Department show a large number of cans of opened eggs belonging to the Consolidated Egg

Yolk Company in the warehouse of the Delaware Freezing and Cold Storage Company of this City, which eggs, as shown by samples taken by the Dairy and Food Department, are absolutely unfit for food, although being sold as such. It is further stated that the above information is given you for such action as you are able to take under the law, and for the reason that the Dairy and Food Department has no power to confiscate such property. You inquire what action you can take under the law to safeguard the interests of the community.

I do not find that jurisdiction over this subject has been specifically confided to your Department by any statute, unless the eggs in question have reached a condition in which they might be regarded as a nuisance.

The Crimes Act of March 31, 1860, Section 69 (P. L. 401), makes it a misdemeanor, punishable by fine or imprisonment, or both, to sell or expose for sale the flesh of any diseased animal, or any other unwholesome flesh, knowing the same to be diseased or unwholesome, or to sell or expose for sale unwholesome bread, drink or liquor, knowing the same to be unwholesome, or to adulterate for the purpose of sale or sell any flour, meal *or other article of food*, etc., knowing the same to be adulterated.

If these eggs have been adulterated, a prosecution would lie under the foregoing provisions, which prosecution you might initiate.

Later Acts more specifically legislate upon this subject. Thus, the Act of June 26, 1895 (P. L. 317), makes it a criminal act to manufacture for sale, offer for sale or sell, any article of food which is adulterated, within the meaning of the Act, and among other species of adulteration any article is defined as being adulterated within the meaning of the Act "if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not." "If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater

value than it really is." "If it contains any added substance or ingredient which is poisonous or injurious to health."

The Act of April 27, 1903 (P. L. 324), deals with particular adulterants, and forbids the selling, shipping, having or exposing for sale, etc., any article of food which contains formaline, formaldehyde, sodium fluoride or any other compounds, or containing more than one-half of one per centum of boracic acid, boracic acid salt, or any borine compound expressed in terms of boracic acid.

The Act of March 11, 1909 (P. L. 13), prohibits, under penalty of fine and imprisonment, the selling, offering for sale, exposing for sale or having with intent to sell, eggs that are unfit for food within the meaning of the Act, which provides that it shall apply to those eggs that either before or after removal from the shell are wholly or partly decayed or decomposed, or eggs in a fluid state any portion of which is wholly or partly decayed or decomposed, or that are mixed with parts of eggs that are derived from eggs that are wholly or partly decayed or decomposed, and to frozen masses or broken eggs if the mass contains eggs that are wholly or partly decayed or decomposed, or mixed with parts of eggs that have been taken from eggs that were wholly or partly decayed or decomposed.

The enforcement of the last mentioned Acts, that is to say, the Acts of 1895, 1903 and 1909, is delegated by their respective terms to the Dairy and Food Commissioner, to whom is to be paid the pecuniary penalties thereunder for the use of the State.

With respect to the suggestion that that Department has no power to confiscate the property, I do not find that the Acts referred to vest that power in him or his Department; neither has any authority been given to your Department for that purpose, unless, as already stated, the substance has decayed or decomposed to such an extent as to make it a nuisance to the community.

I am informed by you that you have already undertaken to investigate the matter, but, in view of the fore-

going legislation, it is very clear that the duty to prosecute those who violate said statutes, or any of them, rests with the Dairy and Food Commissioner, whose province it is, rather than yours, to invoke against such as may commit any of the prohibited acts the penalties which the statutes provide.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 17, 1912.

Occupation tax.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

MY DEAR MR. MAYOR:—In reply to your letter of the 10th inst. with respect to a proposed occupation tax, in which you cite the instance of charges against brokers who are divided by statute into four classes and a fee charged measured by the amount of business done, I beg to say that the distinction between this case and that of an occupation tax is two-fold: First, the charges are levied by the State and not by the City; and second, they are what are known as license taxes, being levied as a charge upon the privilege of carrying on certain businesses affecting the community.

In the letter to you from this Department dated May 16th last, the case of Banger's Appeal (16 W. N. C. 289) was cited. In that case the Supreme Court decided that an occupation tax levied by a municipality might not be based upon the revenue or income derived from the occupation, as this would be in effect to levy an income tax, and that "the power of levying an occupation tax gives the City no right to levy an income tax."

In a later letter to you, dated May 28, 1912, I called your attention to the fact that I had stated the law with respect to an occupation tax and the municipality's power, but had not recommended its adoption. Many considerations may make it inadvisable, though lawful, for the City to levy a tax upon occupations, and serious thought ought to be devoted to the various objections to that course which would doubtless be urged before committing your administration to the advocacy of such a tax by an official recommendation thereof to Councils.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 17, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am returning you herewith the petitions for leave to the City to file its own bond, heretofore sent to you, and which you asked me to take back and give to you the probable amounts which would have to be paid to carry the proposed taking through. The petitions are in proper form and, under the mandate of Councils, the Mayor is directed to enter security by various of the ordinances and in some of which I, as City Solicitor, am required to proceed:

“An Ordinance condemning the unopened portion of Cobbs Creek Park and Parkway, between Market street and the south line of Cedar avenue extended, as an open public place for the health and enjoyment of the people,” approved May 4, 1911.

“An Ordinance to condemn and appropriate property bounded by Twenty-first street, Vine street,

Parkway, Twentieth street and Summer street, and a line 200 feet southwest of the Parkway," approved July 29, 1911.

"An Ordinance selecting plot of ground bounded by Frankford avenue, Foust street, Willow street, Dark Run lane, Charles street and Comly street," approved July 29, 1911.

"An Ordinance to authorize the opening of so much of the Parkway as is bounded by Callowhill street, Twenty-second street, Shamokin street and the southwesterly line of the Parkway," approved August 4, 1911.

"An Ordinance to condemn for school purposes the lot or piece of ground situate on the east side of Hutchinson street, at the distance of 207 feet $1\frac{1}{4}$ inches southward from the south side of Lindley avenue; also the lot or piece of ground situate on the east side of said Hutchinson street, at the distance of 121 feet $5\frac{1}{4}$ inches southward from the south side of Lindley avenue, in the Forty-second Ward of the City of Philadelphia," approved August 11, 1911.

"An Ordinance to condemn for school purposes the lot or piece of ground, with the improvements thereon, situate on the east side of Hutchinson street, 164 feet $3\frac{1}{2}$ inches south of the south side of Lindley avenue, in the Forty-second Ward of the City of Philadelphia," approved August 11, 1911.

"An Ordinance selecting plot of ground bounded by Olney avenue, Sixth street, Tabor street and the North Pennsylvania Railroad, for the health and enjoyment of the people," approved August 18, 1911.

"An Ordinance to condemn and appropriate certain property on the north side of Summer street and the east side of Twenty-first street, for municipal building purposes," approved November 28, 1911.

"An Ordinance to authorize the opening of certain portions of Seventh, Eighth, Tenth, Eleventh, Twelfth, Thirteenth, Wingohocking, Courtland, London, and Ruscomb streets," approved April 6, 1911.

"An Ordinance to authorize the physical widening and raising of the grade of Chestnut street, and the east approach to the bridge over the Schuylkill River; authorizing the revision of the curb lines of Chestnut street, from Twenty-second street to the Schuylkill River, making an appropriation for the work, providing for carrying into effect such authority, and authorizing the Mayor to enter security for damages to private property," approved July 31, 1911.

"An Ordinance to authorize the opening of the unopened portion of the north side of Chestnut street, between Tenth and Eleventh streets," approved May 25, 1911.

"An Ordinance to authorize the opening of Marvine street, from Rockland street to Lindley avenue," approved June 8, 1911.

"An Ordinance authorizing the opening of Stokley street, from four hundred feet northwest of Roberts avenue to Queen street," approved June 8, 1911.

"An Ordinance to set aside for the use of the American Philosophical Society, Held in Philadelphia, for Promoting Useful Knowledge, a plot of ground in the Tenth Ward, bounded by the Parkway, Sixteenth street and Cherry street, and to authorize the Mayor, City Controller, and City Solicitor to negotiate for the title of said property, and to authorize the condemnation thereof," approved July 18, 1911.

"An Ordinance to take an open place for the health and enjoyment of the people and placing said ground in the custody and management of the Commissioners of Fairmount Park, near Lincoln Drive," approved July 27, 1911.

"An Ordinance to authorize the opening of Washington lane, from Chew street to the County line," approved September 7, 1911.

"An Ordinance to authorize the opening of the unopened portion of Greenway avenue, from Fifty-fourth to Fifty-sixth street," approved September 7, 1911.

"An Ordinance to authorize the opening of Benner street, from Walker street to Erdrick street; and Erdrick street, from Comly street to Benner street," approved September 7, 1911.

"An Ordinance to authorize the opening of Moore street, from Tenth to Eleventh street," approved December 1, 1911.

"An Ordinance to authorize the opening of certain portions of Pike, Luzerne, Sixteenth and Seventeenth streets and Wayne avenue," approved December 2, 1911.

"An Ordinance to authorize the opening of Twenty-sixth street, from Tasker to Moore street; and Twenty-seventh street, from Morris to Moore street," approved December 2, 1911.

"An Ordinance to authorize the opening of Eleventh street, Luzerne street, Sixth street, Tenth street, Hunting Park avenue and Fishers avenue," approved December 2, 1911.

"An Ordinance to authorize the opening of Logan street, from Pulaski avenue to the line of Happy Hollow Playground," approved December 2, 1911.

"An Ordinance to authorize the opening of Rutland street, from Herbert to Foulkrod street," approved December 2, 1911.

"An Ordinance to authorize the opening of the unopened portion of Mill street, between Holmesburg avenue and Welsh avenue; Welsh avenue, between Mill street and Erdrick street," approved December 4, 1911.

"An Ordinance to authorize the opening of certain portions of Forty-eighth, Fiftieth, Fifty-fourth * * * Spruce street, and Walton avenue," approved December 4, 1911.

"An Ordinance to authorize the opening of the unopened portions of Chestnut, Walnut and Sansom streets, between Sixty-second street and Cobbs Creek Parkway, and Ludlow street, between Forty-sixth and Markoe streets," approved December 4, 1911.

"An Ordinance to authorize the opening of the unopened portion of the south side of Chestnut street, from Thirteenth street to Juniper street," approved July 13, 1912.

"An Ordinance to authorize the opening of Markoe street, from Chestnut street to Walnut street." approved July 13, 1912.

"An Ordinance to authorize the opening of certain portions of Almond, Fifty-sixth, Gorgas, Locust, Mifflin and Webster streets, Parkside and Susquehanna avenues," approved July 9 1912.

"An Ordinance to take, use and appropriate certain properties bounded by Sixteenth street, the line of Appletree street and the Parkway, and also properties bounded by Seventeenth street, the line of Appletree street, Arch street and the Parkway, and to authorize the opening of so much of the Parkway as is bounded by the line of Appletree street and Sixteenth street and Arch street, and authorizing the entering of security for the payment of damages," approved July 3, 1912.

For your information and guidance, and in the carrying out of your request, I append hereto a detailed summary not only of these particular ordinances, but of other business now pending in the Road Bureau of the Law Department, and I have grouped these details under six subdivisions:

The *First* is appeal cases—that is, where road juries or boards of view have fixed the amount of damages, and in which appeals have been taken to the Courts. The aggregate of these is.....\$2,561,562 42

Second. Cases in which road juries or boards of view are now meeting, but have not as yet filed their reports, in which the claims are estimated at..... 1,369,163 00

Third. Cases in which petitions have been filed, but the road juries or boards of view

are not yet meeting, and in which claims
are estimated at\$1,147,662 00

Fourth. Cases arising under ordinances
passed during the year 1911 and the year
1912, in which no petitions have as yet
been filed and no action whatsoever taken,
and in which the claims amount to..... 1,768,841 66

Fifth. Abolition of grade
crossings along the Phila-
delphia, Germantown and
Norristown Railroad, be-
tween Green street and
Wayne Junction, in which
the damages are estimated
at \$331,953 08

Sixth. Abolition of grade
crossings along the line
of the Richmond branch
of the Philadelphia and
Reading Railroad, be-
tween Somerset and Rich-
mond streets, in which
damages are estimated at.. 425,507 52 757,460 60

Making a total of.....\$7,604,689 68

The payment of the last two items, grouped under Di-
visions "Fifth" and "Sixth," is provided for in large part
by loan.

In addition, I beg to remind you that the Board of
Public Education has brought suit against the City of
Philadelphia and claims the sum of \$877,789.60, the hear-
ing of the claim for which will be had before the Court
of Common Pleas No. 1 on the third Monday of October
next.

The sum now in the City Treasury available for the
payment of mandamuses amounts to only \$500,863.57.
The whole of this sum would be required to pay for the
taking of Belmont Cricket Club and part of Cobbs Creek
Park.

Because of this small sum, I have suggested to you the wisdom of recommending the repeal of some of the ordinances directing the taking of land. It may not be pleasant duty to do this, for no doubt such a course would run counter to a strong public sentiment in favor of the taking of land for playgrounds, the constructing of parkways, etc. I do not wish to be understood as being antagonistic to these improvements, nor should any such inference be drawn when I call attention to the fact that over and above the absolutely necessary running expenses of the City (which running expenses cannot be met from the current revenues) there are pending "land damage" claims aggregating \$7,000,000 and that we only have \$500,000 with which to pay them. Many of the ordinances authorizing the taking of land could, in my opinion, be repealed without any reduction of present necessary improvements. Of course the duty of selecting such ordinances as could most properly be repealed is not mine, but I respectfully urge you to submit to the Councils of Philadelphia not only the propriety, but the absolute necessity of repealing many of these ordinances and the deferring of such proposed takings until some more appropriate and feasible time, even though a higher cost would have to be paid at that later day.

In making the foregoing compilations, I have not included the completion of the Parkway. This public work will require, if it is carried on continuously as now proposed, many millions in addition to the amounts already stated—how many cannot now be safely estimated.

The significance of the facts and figures I have presented should be apparent, and cannot be safely disregarded. If the remedy I have suggested be not followed—if it be thought either impracticable, inexpedient, or likely to be unpopular—then there is but one recourse left, and this, while wholly practicable is not likely to be less unpopular, and that is by raising more revenue in the only way possible.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 18, 1912.

HON. RUDOLPH BLANKENBURG,
 Mayor of Philadelphia,
 City Hall, Philadelphia.

MY DEAR SIR:—Supplementing my letter to you of the 17th inst. in the matter of the petitions of the City to file its own bond in the various land takings, permit me to suggest that your special attention should be directed to divisions third and fourth, in which practically nothing has been done and many of which might be abandoned at little or no expense—I mean the selections thereout for the purposes of repeal.

You will also notice that in a number of subjects we have placed no damages at all, and there the Department may be mistaken. The detailed figures I think ought to be for your own information, because to give the special items publicity might be used against us in our efforts to cut down all claims, which efforts, of course, we are here making.

The petitions sent to you do not include all of the ordinances set forth in the fourth sub-division, as you will notice by reference thereto.

Very truly yours,
 MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 20, 1912.**In re annulment of contract with American Ice Company.*

HERMAN LOEB, Esq.,
 Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter of this date, enclosing correspondence between the officials of the Inter-

national Union of Steam Engineers and yourself and other City officials, and inquiring whether the ordinance of December 10, 1901, has any application to the existing contracts with the American Ice Company, and whether you have the right to withhold awarding contracts to the lowest bidder should said bidder refuse to comply with the provisions of that ordinance.

The said ordinance provides that all municipal contracts shall contain a clause requiring that no person shall be employed to do work under such contracts except competent and first class workmen who are citizens of the United States, and providing further, that only those workmen shall be regarded as competent and first class within the meaning of the ordinance who are duly skilled in their respective branches of labor, and who shall be paid such rate of wages and for such hours of work as shall be the established and current rate of wages paid for such hours by employers of organized labor in the doing of similar work.

It will be seen that the restrictions imposed by the ordinance apply to contracts under which persons "shall be employed to do work." I fear that this language cannot be extended to contracts under which no work is done so far as the contract provides, but where the City stands in the relation of a purchaser from the other party to the contract. In other words, where the contract is one of sale to the City, in such cases it cannot be said that work was done under the contract within the meaning of the ordinance. To hold otherwise would compel the City in every case where it buys any article or commodity to investigate the history of its manufacture, whether it were sold directly by the maker to the City or had passed through a number of intermediate hands, in order to ascertain whether or not the workmen employed upon it were citizens of the United States and were paid the union rate of wages. However laudable it would be to give the ordinance the construction which would enable the City to do this, I do not believe that such a construction could be maintained. On the contrary, I think the scope of the

ordinance would be limited so as to affect only contracts for work actually to be done for the City.

Your second inquiry, whether you would have the right to disregard a low bidder who did not or would not comply with the ordinance, seems to be answered by the case of *Frame vs. Felix*, 167 Pa. 47, in which the Supreme Court of the State decided that the provision in the specifications to a municipal contract requiring the contractor to employ no one not a citizen of the United States, and to pay not less than a fixed amount for labor under such contract, was in violation of the law requiring that municipal work should be let to the lowest responsible bidder.

The same point has been decided in a number of the Courts of Common Pleas. Thus in *McDonough vs. Washington Borough*, 20 C. C. Rep. 345, the awarding of a contract to a higher bidder because he agreed to employ home labor only, in obedience to an ordinance to that effect, was held to be invalid and the borough was enjoined from entering into the contract.

So in the case of *Elliott vs. Pittsburgh*, 6 D. R. 459, an ordinance providing that bids should be subject to the restriction that the Building Trades Council of the City should designate the workmen to be employed under the contract was held to be invalid as in violation of the legal requirement to let City contracts to the lowest responsible bidder.

The same view has been taken in a number of other cases, and I find none that holds the contrary.

I greatly regret that the law as thus laid down by our Courts invalidates ordinances of this character, which are designed to compel the payment of adequate wages for all work done directly or indirectly for the cities and other municipal corporations of this Commonwealth, a policy which cannot but commend itself to all who have the true interests of the entire community at heart; but in view of the decisions above referred to, no other conclusion with respect to the legal situation is possible until the Act of Assembly requiring the letting of contracts to the lowest bidder shall be so modified by legislation as to permit mu-

municipalities to compel those employers who contract with them to pay the rates of wages currently recognized as proper.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 23, 1912.

In re erection of moving picture parlor; permit granted prior to the passage of the Act of June 9, 1911.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter to yourself from the Chief of the Bureau of Building Inspection, in which he requests the opinion of this Department upon a question of law submitted by him and which communication is forwarded by you for that purpose.

It appears that during the year 1910 a permit was issued for the erection of a moving picture parlor to comply with the law at that time in force, that work on the building was commenced within six months, but for some reason unknown to the Bureau was discontinued; that the erection of the building has recently been resumed, but in the meantime the Act of June 9, 1911 (P. L. 746) was passed prescribing a new set of regulations for buildings to be used for the exhibition of moving pictures. The inquiry is whether the builders have the right to finish the building as originally planned, or should they be compelled to revise their plans and erect the building in compliance with the Act of 1911.

The first section of that Act provides that "no building in any city of the first class which at the time of the passage of this Act is not in actual use for the exhibition of

moving pictures, and no building hereafter erected in said cities, not in conformity with the requirements of this Act shall be used for the purpose of exhibiting moving pictures until such building shall have been made to conform to such requirements."

The building in course of construction, concerning which the question is asked, was neither in actual use for the exhibition of moving pictures, nor was it erected before the passage of the Act, and it follows that in accordance with the terms thereof the Bureau of Building Inspection would "be justified in requiring them (the builders) to revise the plans and the building itself, so as to make it comply with the Act of June 9, 1911."

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 23, 1912.

*Operation of moving picture shows in conjunction with
vaudeville performances.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety

DEAR SIR:—I am in receipt of your letter of the 20th inst. inquiring as to the recent decision of the Superior Court relative to the operation of moving picture shows where vaudeville performances are given. That decision was rendered in the case of *Commonwealth vs. Donnelly & Collins*, being an appeal from the decision of Court of Common Pleas No. 5 of this County, which decision in the lower Court held that places of amusement where moving pictures were given, together with a vaudeville show, were not required to take out and pay the fee for

a theatrical license in addition to that required for moving picture exhibitions. The decision of the lower Court was reversed by the Superior Court and the Supreme Court has, within the last few days, declined to entertain an appeal from the decision of the Superior Court, which thus becomes final. I enclose a copy of that decision for your information.

As already stated, the immediate question before the Court was with respect to the liability to take out a license as a theatre and to pay the fee therefor. The broader question of what constitutes a theatre was, however, made the subject of discussion. I do not find anything in the decision of the Superior Court to modify the advice given by this Department in an opinion to the Chief of the Bureau of Building Inspection, dated December 12, 1911, wherein it was said, in reference to the decision of the lower Court in *Commonwealth vs. Donnelly & Collins* and other judicial decisions in conflict therewith:

"The litigation in these cases, as in most of the others in which a like conflict of opinion appears, arose, however, under the Act of 1879, or other Acts, concerned with the licensing of theatres or places of public entertainment, and in which inquiry was directed rather to the nature of the performance than to the characteristics of the building, which must be the determining factor here.

"I should suppose that the ordinary vaudeville performance would not require the employment of stage scenery and apparatus, within the meaning of the Act, at least, not to great extent; but be this as it may, wherever it is found that such stage scenery and apparatus are actually employed in the performances, in accordance with the provisions of the Act of 1901 the building in which such performances are held is required to conform to those restrictions which Section 49 of that Act prescribes."

I think that the foregoing and other portions of the opinion referred to, together with the decision of the Su-

perior Court, will serve to make clear the legal aspects of the matter and the course which it is your duty to follow with respect to such places of amusement.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 24, 1912.

In re right of City to increase its indebtedness.

CHARLES SEGER, Esq.,

Chairman, Sub-Committee on Finance.

DEAR SIR:—I am in receipt of your letter of the 23rd inst., in which you say that the City Controller's report, which was submitted to Councils on Thursday last, states the borrowing capacity of the City to be a little over \$7,000,000, and that the Mayor has requested Councils to pass a loan bill, to be submitted to the voters at the November election, in the sum of \$25,000,000. You ask advice whether this can be done, or if Councils "are bound absolutely by the figures as set forth in the City Controller's report."

I have carefully examined the Mayor's message of which you speak and which in a separate letter you have referred to me for full consideration, which is now being given it and the result of which will be later reported to you.

Without at this time attempting to analyze the many and far-reaching suggestions contained in the message, such analysis being precluded by the urgency and shortness of time which you mention, I may say that I have been unable to find therein a basis on which a loan in so large an amount as twenty-five million of dollars could be legally incurred at the present time.

The figures reported by the City Controller show a borrowing capacity remaining in the City, after deducting parts of loans which have been authorized but not yet negotiated, of \$7,086,881.83. To this I think it would be proper to add the net amount of school loans, less Sinking Fund applicable there to (\$6,978,080.89), which by Section 120 of the Act of May 18, 1911, is transferred from the City to the School District of Philadelphia. The aggregate of these sums, amounting to \$14,064,962.72, is the ultimate limit within which, in my judgment, it would be lawful to proceed to borrow money upon the credit of the City at this time.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 24, 1912.

HENRY R. EDMUNDS, Esq.,

President, Board of Public Education.

DEAR SIR:—The City Controller, in his recent statement to Councils, reports the following amounts as representing that portion of the debt of the City which was incurred for school purposes (as existing August 1, 1912):

Sinking Fund loans	\$7,094,284 00
Serial loans	889,000 00
Gross school debt	\$7,983,284 00
Sinking Fund applicable thereto	1,005,203 11
Net school debt.....	\$6,978,080 89

In this connection, permit me to call your attention to Section 120 of the Act of May 18, 1911, which, as you are of course aware, after directing that from the begin-

ning of the first school year following the approval of the Act all public school property held, owned or possessed by any municipality for the use of any school district or for school purposes is thereby transferred and assigned to and shall be owned by and vested in the proper school district established by that Act within whose boundaries such property is situated, further provides that:

“Each school district hereby established shall succeed to and shall assume and pay all the rights, liabilities, and indebtedness of the school district or districts, sub-school districts or ward school districts, within its boundaries, including any and all indebtedness that may have been created or incurred as school indebtedness by any municipality subject to the provisions of this Act, for or on account of any such school district or for school purposes, with the benefit of application of the amount of any and all Sinking Funds in connection with such indebtedness to such extent as such Sinking Funds shall exist at the time herein fixed as that of the assumption or payment as said indebtedness.”

In order that there may be official recognition of the amount of the school debt of which the City is thus relieved and which, by virtue of the foregoing provision of the Act, is placed upon the School Board, and to avoid the possibility of any misconception or dispute in the future with respect to such amount, it is desirable that a resolution be passed by the Board of Public Education definitely stating the sum of the debt, the assumption of which by the school district is directed by legislation as noted above; and I, therefore, on behalf of the City, respectfully request the adoption of such a resolution by your Board at as early a date as may be convenient.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 24, 1912.

In re transfer of outstanding school loan to Board of Education.

CHARLES SEGER, Esq.,

Chairman, Sub-Committee on Finance.

DEAR SIR:—I am in receipt of your letter of the 23d inst., stating that the Mayor in his message has called the attention of Councils to the nearly \$7,000,000 (\$6,978,080.89) outstanding school loan, and asking how his Honor's suggestions with respect thereto can be carried out, with the necessary form of ordinance to accomplish that purpose.

Section 120 of the Act of May 18, 1911 (the School Code), provides that after the beginning of the first school year following the approval of the Act all public school property owned by any municipality is by virtue of the Act transferred to the proper school district, which school district, it is provided, shall succeed to and assume and pay all the rights, liabilities and indebtedness that may have been created or incurred by the municipality as school indebtedness, or for school purposes, with the benefit of application of the amount of Sinking Funds in connection with such indebtedness to the extent that such Sinking Funds shall exist at the time fixed as that of the assumption or payment of said indebtedness.

Section 121 of said Act provides a method of legal procedure for the adjustment of the amount of any such indebtedness if the amount thereof cannot be agreed upon between the municipality and the school district.

In the present instance I do not think there is room for disagreement as to the amount of the indebtedness of this City for school purposes, or as to the amount in the Sinking Fund applicable thereto, and resort to the procedure mentioned in Section 121 of the Act should not be necessary.

The effect of the provisions of Section 120 of the Act is by their own force to relieve the City of liability for so much of the debt as was incurred for school purposes (less Sinking Funds applicable to its liquidation) and to place that liability upon the school district. In order that the amount thus subtracted from the City's debt and made the debt of the school district may be officially ascertained, it would be proper for the Board of Public Education to adopt by formal resolution the calculation of the City Controller as to the amount of the debt assumed by it under the Act of 1911, and I have requested of that Board that this be done. But whether or not such resolution be adopted, by operation of the Act of April 20, 1874 (P. L. 65), Section 5, such net amount may, in my opinion, be deducted from the gross debt of the City in computing the limitation of its indebtedness under that Act, and under Article IX, Section 8, of the Constitution, for whilst on the one hand the obligation of the City to the bondholders would remain unimpaired, on the other hand the City secures from the school district a corresponding obligation in the City's favor, and this being equivalent to the obligation of a solvent debtor could be utilized as an item of reduction in the ascertainment of the net indebtedness. *Elliott vs. City*, 229 Pa. 215.

If this be the correct view of the subject, no other ordinance will be required, except the ordinances necessary to borrow money, which will be in the usual form of such ordinances, and I see no reason why the question of authorizing the incurring of the debt in an amount to include that of the net school debt might not be submitted to the people at the coming election in November next.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 25, 1912.**In re increase of the City's indebtedness; subjects liable to taxation.*

CHARLES SEGER, Esq.,

Chairman, Sub-Committee on Finance,

DEAR SIR:—Since writing you yesterday in reference to the proposed loans of the City, in reply to your communication of the 23d inst., I have received a letter from the Mayor, in which he says:

“The Committee inquires as to the legality of a loan of \$25,000,000 to be submitted to the voters at the general election of November, 1912, and asks whether Councils are bound by the figures in the Controller’s report that has been submitted to them. In answering this inquiry, will you kindly consider the possibility of prompt action by Councils establishing additional classes of property as the subject of assessment and taxation, and an amended report from the City Controller based upon such legislation.”

In view of this request I deem it my duty to add these further suggestions to those contained in my letter of yesterday, addressed to you.

The Act of April 20, 1874 (P. L. 65), as amended by Act of May 1, 1909, p. 317, requires notice of an election for the purpose of increasing municipal indebtedness to be published for a period of thirty days preceding such election, and such notice must contain, among other things, a statement of the amount of the last assessed valuation of taxable property. It is obvious that no further assessment of the valuation of taxable property can be made within the short period of the next ten days so as to be in season to comply with this requirement if the present proposed increase of the debt of the City is to be submitted to the people at the time of the next general election, to be held on November 5, 1912.

With respect to the election to be held at that time we are bound by the amount of the last assessed valuation of property heretofore made.

Aside from this aspect of the matter, however, and dealing with the question of the valuation of taxable property which may hereafter be made, the following considerations seem pertinent.

The Mayor in his official message of the 19th inst. to Councils assumes that all taxable property must be actually taxed before its value can be included as the basis upon which the borrowing capacity of the City is to be calculated. The Mayor is in error in so assuming.

Section 8 of Article IX of the Constitution provides that "the debt of any City * * * shall never exceed seven percentum upon the assessed value of the taxable property therein." The Act of 1874, as since amended from time to time, contains substantially the same language. It is seen that the seven percentum is to be calculated upon the assessed value of the "taxable property" and not upon the "taxed" property. Councils have the power at any time to tax whatever property the Legislature has designated for the purpose of municipal taxation, but it does not follow that all such property *must* be taxed, and though any particular species of taxable property is untaxed at the present time, nevertheless the power to tax it gives to the City its borrowing capacity, and the valuation of such property, fixed by assessment, provides the measure of that capacity. This would seem to have been in the mind of the people in ordaining the Constitution, and to have been the view of the Legislature when passing laws thereunder placing a limitation upon the amount of municipal debt proportionate to the value of "taxable" property within the municipality, the purpose and intent being that the debt should never exceed a certain percentage of the assessed value of property *subject* to taxation, *i. e.*, property which the City has the delegated authority to tax. Councils may tax all of the property which the statutes have given it power to tax, or it may tax only such of that property as it con-

siders wise and proper, and refrain from taxing what it may deem unwise to tax, provided always, however, that the taxes levied shall be sufficient to meet the necessary requirements for the liquidation of the principal and interest of the debt, and the payment of the other obligations, together with the running expenses of the municipality.

Accordingly it is by law made the duty of the assessors to assess all property subject to taxation, wholly independent of whether taxes may be thereafter actually levied thereon by Councils. The Act of April 29, 1844 (P. L. 497), Section 32, enumerates the various forms of property which may be taxed, and specifically requires that all of those thus enumerated "together with all other things now taxable by the laws of this Commonwealth, *shall be valued and assessed* and subject to taxation for the purposes in this Act mentioned, and for all State and County purposes whatsoever."

By Act of August 20, 1864, Section 1 (P. L. 1031), it is provided that "the Select and Common Councils of the City of Philadelphia shall have the power to levy a tax for municipal purposes on all subjects of taxation specified in Section 32 of the Act of April 29, 1844, and to provide by ordinance a system for the assessment thereof, and for the collection of taxes thereon."

Again, the Act of May 15, 1874, passed after the creation of the Board of Revision of Taxes in this City, provides for an annual tabulation to be made by that Board, which is directed to contain a full statement of "*all property taxable*" for county purposes, showing the real and personal in separate columns, and the amount of tax assessed for County purposes.

The earlier Act of February 2, 1867 (P. L. 137), which was a supplement to the Act of March 14, 1865, creating the Board of Revision of Taxes in this City, required that Board to report to Councils, through the Mayor, the aggregate of the assessments on or before the first day of November in each year; and in Section 3 directed the said Board to issue their *praecepe* to the several assessors re-

quiring them to return the names of all taxable persons residing within their respective wards, and *all property taxable by law, together with a just valuation of the same.*

Many other Acts of Assembly might be cited, all having in view the same purpose. On the one hand, the duty to assess or value "all taxable property" is imposed by law upon the Board of Revision of Taxes and the Assessors, and on the other hand, the power to levy the tax is conferred upon the City Councils. The two things are thus recognized by the law as entirely separate and distinct, and the functions are to be performed by distinct bodies. Unless the Board of Revision of Taxes and the Assessors assess and make return of the valuation of all taxable property, then to the extent of their failure or omission in this respect they practically deprive the City Councils of the power to collect the tax which the Legislature authorized, for whilst there can be an assessment of valuation without a tax, it is not easy to conceive of a tax without an assessed valuation.

Legislation subsequent to the Act of 1844 has greatly modified the list of articles or property upon which the City is authorized to levy taxes. As the law now exists, in addition to the real estate within the City, and those articles of tangible personal property which are now taxed, it would appear that of all the property and things included in the Act of 1844 as subjects of taxation, there remain as taxable for municipal purposes only "salaries, the emoluments of office, all offices and posts of profit, professions, trades and occupations, except the occupation of farmers." Such occupations, when duly assessed as required by law, constitute taxable property within the meaning of the requirements as to the seven per centum limitation of the debt of municipalities. *Brown's Appeal*, 111 Pa. 72.

In *Banger's Appeal* (16 W. N. C. 289; 109 Pa. 79), however, it was decided by the Supreme Court that the power to levy an occupation tax does not justify a tax based upon the receipts or income of particular occupations, as that would be an income tax and not an occupa-

tion tax, and a municipality cannot levy an income tax without due authority, which has not been given in this State by any statute. The Court said:

“The power to levy an occupation tax gave the City no right to levy an income tax. It gave the assessor no authority to inquire into the income of any one, nor to base anything upon a refusal to answer such questions. The inquiry itself was impertinent and unlawful. It may be asked how an occupation is to be assessed, and how is the constitutional mandate to be complied with? * * * We are at once confronted with the objection that it would be unjust to tax the occupation of a laborer the same amount as a merchant, a physician, or a lawyer. The injustice of such an exercise of the taxing power may be conceded without in any degree impairing the force of the argument. The objection is one that appeals more to the legislative than to the judicial department of the government. The proper result may possibly be reached by classification. Thus, it may be that physicians, lawyers, clergymen, merchants, bankers, manufacturers, mechanics, etc., may be classified, and a uniform occupation tax assessed upon each class. But it will not do to tax one member of a class \$100 and another member of the same class \$1,000, upon the supposition, or even upon the fact, that one earns more than the other.”

The Mayor recommends that a tax be placed upon the occupation of the citizens, stating that such occupations are within the taxing power of the municipality, and suggesting, further, that with the imposition of this tax the occupations taxed shall be assessed as of a value which he estimates at \$400,000.000. This estimate, under which he suggests \$28,000,000 would be added to the borrowing capacity of the City, is based by the Mayor upon the “income” of those following the occupations to be taxed. This feature of the proposed tax, as already seen, is in conflict with the law as laid down in Banger’s Appeal, *supra*.

Wages, salaries and income cannot be taxed under the guise of an occupation tax.

It is recommended by the Mayor that the tax be made only nominal, the main purpose being to add to the debt creating power of the City.

As already stated, in my opinion it is not necessary that even a nominal tax be levied in order that the assessed value of the occupations may be included in the sum upon which the debt creating power is to be computed. On the contrary, I am of the opinion that if the proper authorities should in good faith assess the value of occupations at the sum of \$400,000,000, or at any other proper sum, the City would have the power to contract additional indebtedness to the extent of seven percentum of such valuation. Whether the Mayor's estimate of the value of occupations is or is not correct, or nearly so, I am, of course, unable to say. If he bases his estimate upon "income," as he appears to do, he is in error.

Certain other taxes are recommended by the Mayor, most if not all of which, however, require legislative authority for their creation. Thus, a tax upon household furniture which heretofore existed was, under force of public opinion, abolished by statute twenty-five years ago and cannot be levied again without a renewed grant of power from the State.

The same consideration applies to the proposition that the tax upon money at interest be made a City instead of a State tax, as well as to some other of the projects suggested. Generally it may be said that the City has no power to levy a tax of any kind or character whatsoever, except under express authority from the Commonwealth.

With respect to the equalization of assessment and kindred matters discussed in the message, those are subjects which have been confided by law to the Board of Revision of Taxes and the local assessors appointed by that Board; and, as was recently decided in the case of *Selig vs. Philadelphia*, 232 Pa. 309, Councils have not the right to interfere with the functions of those officials.

In my letter to you of yesterday I indicated the limits

within which at the present time the City is authorized to appeal to the electors for authority to increase its debt.

In addition, I would suggest that an ordinance or resolution be passed requesting that the Board of Revision of Taxes require the assessors to make an assessment of *all* property subject to municipal taxation, and that a return thereof be made to Councils, as provided by law. The assessed valuation thus returned, including the valuation of occupations, etc., can then be used as the basis for calculating the borrowing capacity of the City with respect to loans hereafter to be authorized and issued, without the necessity of the actual levying of a tax upon that part of the assessed property, if any, upon which such tax may be deemed undesirable.

In this letter, sent you because of the Mayor's request, many of the subjects treated in his message have necessarily been involved, including the principal features of his suggestions to Councils. I shall therefore ask you to accept this as a reply to your letter of the 23d inst., inviting my attention to that message and requesting an opinion as to how far Councils can legally act thereon.

Should more specific comment be desired from me upon particular topics, I shall be glad to respond further with respect to any matter concerning which inquiry may be made.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 25, 1912.

In re right of others than contractor to collect garbage.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 24th inst., stating that upon the arrest of persons charged with

violating the ordinance of December 14, 1894, page 451, prohibiting the private collection of garbage, they are discharged by the Magistrates before whom they were brought under the supposed authority of the case of *Philadelphia vs. Lyster*, 3 Superior Court, 475. You inquire whether this action on the part of the Magistrates is correct.

The case cited does not warrant the course thus adopted. In that case a bill in equity was filed to enjoin the defendant from collecting garbage and the Superior Court decided that equity would not lend its aid for this purpose in the first instance, but that resort should be had to a suit for the penalty provided by the ordinance. Thus the Court said: "Without any effort to enforce its ordinance and in the absence of any evidence that even an attempt has been made to enforce it against the defendant, the appellee contends that its provisions are not adequate to accomplish the object intended. * * * We do not wish to be understood as deciding in this case that the ordinance and regulations of the City of Philadelphia are not reasonable and valid enactments. * * * We are further of the opinion that the remedy for the unlawful acts alleged rests with the legislative branch of the City Government, and if an adequate remedy has not been provided, that fact will not give a Court of equity jurisdiction to supply the defect in the ordinance by injunction in the absence of proof of an honest effort to enforce its provisions and its inadequacy demonstrated."

In other words, the decision of the Court was that a bill in equity was not the proper remedy, but that the ordinance should be enforced in the ordinary manner, and if the penalty provided should not prove adequate, Councils would have the power, by further ordinances, to make it so.

The decision in the *Lyster* case is, of course, no authority for the refusal upon the part of the Magistrates to recognize the ordinance as valid.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 26, 1912.**In re inspection of parks, etc.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I have received a letter from the Chief of the Electrical Bureau bearing your approval and inquiring whether the ordinance of July 1, 1908, imposes upon him any inspection or other work in connection with the parks of the City and particularly with reference to Fairmount Park.

The Acts of March 26, 1867 (P. L. 548), April 14, 1868 (P. L. 1083), and other statutes vest in the Commissioners of Fairmount Park full and complete jurisdiction and control with respect to that Park, together with the maintenance and superintendence of all buildings and improvements therein. In the recent case of *Wakelin vs. Philadelphia et al.* (21 Dist. Rep. 39) these Acts were considered by Court of Common Pleas No. 5 of this County and were held to preclude interference by Councils or the Executive Departments of the City with the construction and care of buildings within the Park limits. The Act of May 15, 1871 (P. L. 873), confers upon the Commissioners of Fairmount Park the care and management of Hunting Park, with the same powers and authorities regarding that park as they have over Fairmount Park.

Under these statutes, the ordinance referred to by the Chief of the Electrical Bureau would be ineffective to give control to that Bureau over work in connection with buildings in those parks even if it were intended so to do.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 27, 1912.

*In re right of City to sell the garbage of public
institutions.*

HERMAN LOEB, ESQ.,

Director, Department of Supplies.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of September 24th, inquiring whether you have a right to sell the garbage at the Philadelphia General Hospital and at the House of Correction over the protest of the Penn Reduction Company, which holds a contract with the City for the removal of all garbage, dead animals, etc., of the entire City, for the year 1912. It is the contention of that company that in submitting its bid for the removal of the garbage of the City for the year, it took into consideration the profits it would make on the sale of the garbage which it removed, and that therefore it is entitled to collect all the garbage of the City, including that produced by City institutions.

The duty of removing the garbage of the City in order to protect the health of the citizens and for other police purposes is placed upon the municipality. This duty the contracting company has undertaken, for a consideration, to perform.

It does not appear by the contract, in my opinion, either directly or indirectly, that the City has undertaken to insure the receipt by the Penn Reduction Company of any garbage. The consideration on one side was the payment of \$278, 588, and on the other side, the consideration was the performance by the contractor for the City of a duty placed upon it by law.

I scarcely see how a computation of the amount of garbage which the City might produce in a year and the profits on said speculative amount could be made a part of the consideration for the contract.

It has been repeatedly held that garbage is property, and

the municipality is not bound to surrender its property to the Penn Reduction Company if it desires to dispose of it in some other way.

The ordinance of April 3, 1909, specifically authorizes the Director of the Department of Supplies to sell all the waste material of the City, and I beg to advise you that you have a right to sell the garbage referred to in your letter to the highest responsible bidder.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 27, 1912.

*Authorization of creation of Bureau of Elevator
Inspection by Councils.*

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council.

DEAR SIR:—I am in receipt of your letter of the 26th inst., in reference to the power of Councils under Act of May 28, 1907 (P. L. 297), authorizing the creation of a Bureau of Elevator Inspection in the cities of this Commonwealth, etc.

You state that it is claimed on the one hand that Councils have not the right to designate the kind of elevators, or the appliances that must be attached thereto, leaving that function to the Chief of the Bureau, while, on the other hand, it is claimed that Councils must designate the kind of elevators, materials and appliances, the Chief of the Bureau having the right to make rules and regulations governing the erection and construction thereof.

The statute is intended to give to cities the right to establish a complete system in regard to elevators or hoists within their respective limits, and when such system is

supplied by ordinance, the provisions thereof, in my opinion, supersede former statutory regulations and requirements within such cities.

Section 2 of that Act provides that:

“Such cities may from time to time provide that every elevator or hoist which may be used in said City, the kind and character of materials that may be used therein, or in any way of the appliances attached thereto or connected therewith, and the kind and character of safety devices required, shall be subject to the approval of the Chief of said Bureau.”

That section further authorizes such cities to provide as to the inspection of the elevators or hoists and their appliances, for permits for their erection and use, for reports concerning the same, and as to accidents, what persons shall be permitted to operate them, and a number of other particulars indicated, “and generally whatever, in their judgment, is necessary or convenient to the public in the use of said elevators or hoists in order to insure the safety of the passengers or property being carried upon the same”—with the proviso that before any particular manufacture of elevators or appliances shall be finally rejected as dangerous or unsafe, the manufacturer shall, upon request, be given a public hearing and an opportunity to prove the safety of his elevator or appliance.

The further sections of the Act fix penalties, authorize the use of dangerous elevators to be forbidden, and declare certain offenses under the Act to be misdemeanors.

In my opinion, the powers conferred by Section 2 are to be exercised in the first instance by the city; that is to say, in this City, by Councils. Those bodies, however, are empowered to delegate to the Chief of the Bureau the right of approval or disapproval of elevators or the attached appliances. This authority to delegate such powers is, however, permissive, and not compulsory. That portion of Section 2 which gives to cities the right to provide “whatever in their judgment is necessary or convenient to the public in the use of said elevators or hoists or in order

to insure the safety of the passengers or property being carried upon the same" vests in Councils the power to determine for themselves what kind of elevators and materials may be used, or they may make such general designation if they see fit, subject to the approval of the Chief of the Bureau, or may leave this subject wholly to his approval. The statute is so framed as to give to the Legislative branch of the City Government a wide latitude of choice, and under it, in my judgment, either of the alternatives which you mention, or which are above set forth, may be pursued by the City Councils at their option in drawing an ordinance to govern the subject.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 1, 1912.

*In re placing clocks containing electrical advertisements
on sidewalk.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of letter of the Chief of the Electrical Bureau, which has been approved by you, in further reference to the desire of the Clock Advertising Company to place its clocks containing electrical advertisements on the sidewalks.

From a letter of the Clock Advertising Company, quoted by the Chief of the Bureau, it appears that the dimensions of the clocks have been or will be so altered that the prohibition of the ordinance of December 24, 1864, page 504, will no longer apply to them. The ordinance of September 23, 1864, Section 10, page 358 (Brown's City Digest, 1234, Section 17), however, declares it a nuisance

“To extend or project from any dwelling or building, except inns, any sign-board, pole or other device or thing to denote or show the place of business or the merchandise or things which the occupant thereof has to dispose of, into, or over any of the footways of any street of the City, below the top of the first story, or to a greater extent than four feet three inches on any other parts of such building.”

This ordinance was referred to in my former communication upon the subject, and the placing of the clocks as projected would seem to interfere with its spirit, if not with its very letter.

Therefore, the proper resort of the Clock Company would be to obtain the passage of an ordinance authorizing the placing of their devices upon the highways, and, until this is done, I think the City officials would not be justified in taking any action giving their sanction to a violation of the ordinance of September 23, 1864.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 2, 1912.

In re orders issued by State Fire Marshal to City Marshal.

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of the 1st inst., whether the Fire Marshal of Philadelphia is bound under the Act of Assembly to respect orders issuing from the State Fire Marshal's office.

The office of the State Fire Marshal was established by Act of June 3, 1911 (P. L. 658). In various portions

of the Act the duties and powers of that official are directed to be exercised throughout the Commonwealth, but Section 14 of the Act provides that:

“It is further hereby declared to be the true intention and meaning of this Act that the same shall not apply or be operative in any city or county of this Commonwealth where, under the existing laws, whether special or general, the position and duties of a fire marshal are provided for.”

The position and duties of a fire marshal in the City of Philadelphia were provided for under the then existing law, to wit: the Act of March 24, 1903 (P. L. 48), and have since been further provided for by the Act of June 8, 1911 (P. L. 705). The above quoted provision of the Act of June 3, 1911, would therefore exclude the City of Philadelphia from the jurisdiction of the State Fire Marshal, and the Fire Marshal of Philadelphia is accordingly not bound to respect orders issued from the State Fire Marshal's office.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 2, 1912.

In re outstanding water rents—224 West Tabor road.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of inquiry from the Chief of the Bureau of Water, approved by you, “what disposition is to be made of the water rents as now standing” against property 224 West Tabor road, which, it is stated, investigations show to be located in the bed of American

street, and which street the Chief of the Bureau has been informed has been legally open by the City and the property surrendered by the owner.

If these suppositions are shown by the records to be correct, the delinquent water rents cannot be collected or any lien therefor filed, and the entries in the books of that Bureau should be made to conform to the facts.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 2, 1912.

In re insertion of advertisement \$7,000,000 loan.

CYRUS D. FOSS, JR., Esq.,
Secretary to the Mayor,

DEAR SIR:—In reply to your letter of the 3d inst., asking me to advise the Mayor as to the insertion of the advertisement of the \$7,000,000 loan, I make answer:

That the advertisement should be inserted, under the law, in "newspapers not exceeding three," and, in addition, in one German daily newspaper. This advertisement should be, in my judgment, inserted on the following dates: October 5th, 12th, 19th, 26th, November 2d and November 4th. In other words, the advertisements should appear once a week in every week between now and Election Day. This will make six insertions in each of the newspapers.

In sending you this opinion, I assume that the ordinance will have passed and will be signed by the Mayor to-day.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 4, 1912.**In re written agreement for division of jurisdiction upon streets running along river fronts.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 3d inst., enclosing memorandum for an agreement between your Department and that of Public Works, with respect to the division of jurisdiction upon streets running along the river fronts.

In my former letter I did not have in mind anything so formal as a written agreement between the various Departments of the City, but rather a working understanding entered into for the practical advantages to which you referred. I doubt the power of the Departments to enter into such a formal agreement in the absence of authority from Councils. The legislation concerning which you inquired, and which I said would not be necessary, I supposed meant statutory legislation. My general thought on the subject, which I assume was yours also, was that the words "approaches thereto," as used in the Act of 1907, might be tacitly so construed by all of the Executive Departments as to leave to the Department of Wharves, Docks and Ferries supervision and control over some designated portion of these highways, but without putting such understanding in the shape of a written agreement.

In no event could the provision of the first paragraph on page 4, relative to licenses for the construction or alteration of buildings, be sustained. The powers and duties with respect to that subject are placed by statute upon the Bureau of Building Inspection, and could not be delegated by that Bureau without legislative provision—even an ordinance would not be sufficient to authorize this.

The requirements of the Acts of 1893, 1899 and 1903

are not modified or affected by anything contained in the Act of June 8, 1907, creating the Department of Wharves, Docks and Ferries.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 11, 1912.

In re Penn Treaty Park—widening of Beach street.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In reply to your letter of the 10th inst., in which you state that you have been in negotiations with the “representative of the Receivers of the Neafie & Levy Ship and Engine Building Company, and with merchants and others who have interests in the neighborhood of the Shipbuilding Company’s property, for the acquisition by the City of that company’s property and its improvement as a Municipal wharf.” and asking whether there is any legal obstacle in the way of the taking of a part of the Penn Treaty Park for the purpose of widening Beach street, permit me to say that by an ordinance entitled “An Ordinance to authorize the opening of Penn Treaty Park in the Eighteenth Ward,” approved June 22, 1892, page 208, condemnation proceedings were instituted, prosecuted and awards made as follows:

To George L. Blatz	\$13,000
To Henry Bumm	26,200
To John Van Dusen et al., executors and devisees under will of Washington Van Dusen, deceased.	52,400

That afterwards, by deeds dated respectively April 23, 1894; April 28, 1894, and May 16, 1894, all these parties conveyed, in fee simple and without restrictions or reserva-

tions, all their estate of, in and to this land to the City of Philadelphia. The City holds it, therefore, subject to no trust of any kind, but absolutely.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 11, 1912.

In re arcade, east side Fifteenth street, from Penn Square to Chestnut street.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—In reply to letter of the 4th inst., signed by Geo. S. Webster, Chief Engineer and Surveyor of the Bureau of Surveys, approved by you, in relation to the proposed establishment of an arcade along the east side of Fifteenth street, from South Penn Square to Chestnut street, asking me to advise you:

1. Whether the copy of the proposed ordinance to secure this result is satisfactory.

2. Whether I approve of the project and the methods proposed for accomplishing the object desired,

permit me to say:

The form of the proposed ordinance is not improper, but if it is desired to accomplish the result in view, a preferable form of ordinance would be one directing the widening of the street on the east side 20 feet from Chestnut to Ranstead street, and 22 feet from Ranstead street to South Penn Square, with the proviso that the owners of the lots affected shall have the right to erect buildings extending a certain distance over the street, leaving a clear head-room of 14 feet above the sidewalk.

As to whether or not I favor such a project, permit me to suggest that the present condition of the City's finances should be borne in mind. For the property in the name of Horace C. Coleman (22 feet front on South Penn Square and 75 feet on Fifteenth street), I am informed that the owners are asking \$500,000, although it is assessed for only \$250,000; and for the property northeast corner Fifteenth and Chestnut streets, in the name of Henry C. Loughlin, trustee, which is assessed for \$325,000, I have no doubt that the price would be correspondingly as great as that demanded by Mr. Coleman.

The City would probably have to pay the full value of these properties, as the owners would be unable to avail themselves of the right to build over the street above the arcade, since there would be no place left them for entrance to such overhanging structures.

Of course, you may know what the Pennsylvania Railroad Company's plans may be, and whether there is to be a change in the location or a change in the use of what we now call Broad Street Station. If the main entrance should be at or near Sixteenth street, the congestion of traffic now at times so great on Fifteenth street would be lessened.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 15, 1912.

In re discharge of Chief Inspector of Meters and appointment of his successor.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of this date, inquiring whether it will be necessary or advisable

to have the Mayor act with reference to the discharge of the Chief Inspector of Meters, Bureau of Gas, and the appointment of his successor.

The ordinance of November 12, 1897, embodying the terms of the lease of the City Gas Works to the United Gas Improvement Company, provides in Clause 11 that the Chief Inspector of Meters and his assistants shall be appointed by the Mayor, the lessee agreeing to pay \$10,000 per annum toward their salaries and expenses. Under this provision of the ordinance it would be clearly the duty of the Mayor to appoint the Chief Inspector, and, as the appointing power, he would also, under the Constitution, have the right of removal. It is true that the Bullitt Act, Article 12, provides for the appointment and removal of subordinate officers in the various City Departments by the heads of the respective Departments, but the jurisdiction of the Department of Public Works under that Act is limited, among other things, to "water works and gas works owned and controlled by the City." (Bailey vs. Philadelphia, 6 D. R. 727, 185 Pa. 594.) The gas works as operated by the United Gas Improvement Company do not come within this designation. Moreover, as already stated, by actual contract between that company and the City, the Chief and Assistant Gas Inspectors are required to be appointed by the Mayor, and this, I understand, has been the practice ever since the lease went into effect in 1898.

For these reasons, and to avoid any question being raised as to the legality of the discharge of the Chief Inspector and the appointment of his successor, it would be advisable and proper to have the Mayor act in making such discharge and appointment.

Very truly yours,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 17, 1912.**In re interpretation of the words "regulating" and
"surveying."*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am to-day in receipt of your request of the 15th inst. as to the interpretation of the words "regulating" and "surveying" with respect to the qualifications of a District Surveyor, together with an expression of your views upon the subject.

My interpretation agrees with your own, that a surveyor of three years' practical experience in the ordinary duties pertaining to that profession is qualified for appointment to the position within the meaning of the Act of May 13, 1856, Section 13, P. L. 570.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 17, 1912.**In re retention of services of the present Board of
Surveyors.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am to-day in receipt of your letter of the 15th inst., asking whether you are warranted in retaining the services of any member of the present Board of Surveyors who may have been appointed in violation of that portion of the Act of May 13, 1856, Section 13,

P. L. 570, which limits the appointment to surveyors and regulators who have had three years' experience in the business of surveying and regulating.

In my opinion, you would be justified in retaining the services of such members of the Board of Surveyors, inasmuch as they have acquired or are in course of acquiring, in the service of the City, the experience which the statute prescribes; and, moreover, since they have passed the Civil Service examination, it may be presumed that the statutory qualifications enabling them to take such examination were present, at least this presumption may prevail to the extent that it is not necessary to inquire further with respect to such antecedent qualifications.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 18, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to your communication of George S. Webster, Chief Engineer, the 1st instant, approved by you in the matter of Ludlow street, from Twentieth to Twenty-first streets, from the data contained in your letter of the records of the Recorder of Deeds office, and in your office, I advise you that Ludlow street is legally opened as a public highway of the width of 24 feet along its south side from Twentieth street, a distance of 52 feet westward, and of its full width of 40 feet from Twenty-first street, a distance of 150 feet eastward.

As to the balance of the street, the fact that prior to 1874, conveyances were made on Ludlow street with the right to use the same, would appear to be a presumptive or implied dedication, but your further statement that

the records of the Third Survey District show that the fences across the street have been in place for at least 30 years would seem to rebut this presumption.

The Act of May 8, 1889, P. L. 173, relating to unused streets, lanes and alleys. provides as follows:

SECTION 1. "Be it enacted, etc., that any street, lane or alley, laid out by any person or persons in any village or town plot or plan of lots, on lands owned by such person or persons, in case the same has not been opened to, or used by, the public for 21 years next after the laying out of the same, shall be and have no force and effect and shall not be opened, without the consent of the owner or owners of the lane on which the same has been, or shall be, laid out."

My advice to you would be changed if it can be shown that from the year 1808 (when Richard Peters conveyed the properties describing them as extending to a 40 foot wide street) for 21 years next thereafter, that is to 1829, the street was not open or used by the public.

If this proof is established, I would then advise you that the street is not legally open, and to open the same would have to be done in the regular way, either by an ordinance of Councils and condemnation proceedings, or by deeds of dedication.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 18, 1912.

In re completion of piers and bulkheads, Dock and Water streets, under continuing contract with same contractor.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I duly received your letter of September 24th last, with regard to the proposed completing of the piers and bulkheads at Dock and Water streets under a supplemental contract, and am also in receipt of your letter of yesterday upon the same subject, in which you suggest that the matter may have been temporarily overlooked in this office, and asking that the question be taken up as soon as the business of this office may permit.

The matter has not been overlooked in this office, and such delay as occurred in answering your inquiry has been due to the desire to meet your views and if possible to advise you that in view of the circumstances of this case an additional or supplemental contract without advertising might be entered into. The matter is not one which relates to a mere practice, or which is to be governed by the views of this Department, as your earlier letter would seem to imply. In the recent case of *Lewis vs. Philadelphia et al.*, reported in 235 Pa., p. 260, the Supreme Court, as emphatically as it could possibly be said, declared supplemental contracts without previous advertisement for bids to be absolutely illegal. Before this decision, while that Court had already indicated the same doctrine, yet conflicting views upon the subject might perhaps be regarded as not definitely precluded; but since the *Lewis* decision there is no longer room for doubt, and in spite of the practical considerations which you urge with such force in favor of disregarding the law as thus declared, and entering into a contract in violation thereof, I am unable to find any justification

for advising you that you have authority so to do; and although in this particular case it may be that the best interests of the City would be served by pursuing the course suggested, I am obliged to inform you of my opinion that this cannot lawfully be done and that the City should advertise for new bids for the continuance of the work.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 18, 1912.

Assessment bills—sewers—suburban and farm rates.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter from the Chief Engineer, Bureau of Surveys, approved by you, in reference to the practice of the Department of Public Works in giving assessment bills to contractors for sewers only against property assessed at full City rates. The propriety of this, as is stated in the letter, has been frequently recognized in recent ordinances which direct that course to be followed.

It is further stated in the letter of Mr. Webster that the Department has been informed that under recent decisions adjoining counties have collected full rates for sewer construction and other public improvements—reference being made to the cases of *McKeesport vs. Soles*, 178 Pa. 363, and *Anderson vs. Lower Merion Township*, 217 Pa. 369, in the latter of which it is stated that liens for a sewer by the foot front rule against properties in Merion, Bryn Mawr and Ardmore and sections of suburban places were sustained.

The opinion of this Department is desired whether it would be proper in the making of contracts for sewers and other municipal improvements in the City of Philadelphia, to provide for assessment bills against all property assessed for taxes at suburban rates and at farm rates not actually used for farm purposes, and to require the contractors to accept the bills so assessed in payment for the work.

Since the decision in the early case *In re Washington Avenue*, 69 Pa. 352, it has been firmly settled in this State that foot front assessments for municipal improvements cannot be levied as against rural property—that is to say, property in a situation generally rural and not urban in character. The cases referred to by Mr. Webster do not modify this doctrine and I am not aware of any cases which do so.

McKeesport vs. Soles decided what was already a familiar principle, to wit, that the question of whether a property is urban or rural depends upon the special circumstances of each case; that the character of the locality, its streets, lots, buildings and improvements, and the market value of the particular property in question, and also of the neighboring and surrounding properties, should be considered; that if the buildings and improvements in the neighborhood are few and scattered and partake of the character of the country rather than of the city or town, and if they are occupied largely by persons engaged in rural pursuits, the locality should be considered rural; but if the houses and improvements partake of the character akin to that of a city or town and are occupied mainly by persons engaged in city pursuits, the locality should be considered urban and not rural.

In *Anderson vs. Lower Merion Township* the assessments were made under the Act of February 23, 1905, P. L. 22, which authorized townships of the first class to adopt different methods of assessment in the several sewer districts in which they were empowered to divide the townships. Under that Act, the Township of Lower Merion was divided by ordinance into three sewer districts, according to the density of population in the several districts, and

in two of them the assessments for the sewer system were made upon the foot front basis, while in the third the assessment was levied according to benefits and without respect to the foot frontage. The Constitutionality of the Act of 1905 and the validity of the division into sewer districts thus made were sustained in the case cited, but the latter only upon the express finding that the property in the divisions subject to the foot front assessment was not country property, but city property. Thus the Court says on pages 374-375:

“The properties assessed by the foot front rule in sewer districts one and two are urban and not rural. The only property used for farming purposes that is assessed in No. 2 is the Lodge tract. This tract has a frontage of 610 feet on Bala avenue, a fine, wide street. The property is urban, notwithstanding its present use. The neighboring properties to the east and west and on the opposite side of the avenue are urban. The villages of Bala and Cynwyd form this sewer district. There are no farm lands in district No. 1 abutting on any sewer line. The villages of Rosemont, Bryn Mawr, Haverford and Ardmore constitute this sewer district, and there are no intervening rural lands between the end of one of these villages and the beginning of the next. The whole territory in districts Nos. 1 and 2 is devoted to or is ripe for residential purposes, although some of the owners may be unwilling to sell presently. Where the streets and roads are not lined with built up houses and stores, the lands are devoted to fine residential homes, ornamented with trees and shrubbery, and enjoy all the comforts of City homes, so far as water pipes, street lights, police and fire protection, and fine streets are concerned. These houses are occupied very largely by business and professional men engaged daily in the City of Philadelphia.”

It is thus seen that these cases do not in any manner modify the rule that foot frontage assessments are illegal in rural neighborhoods, and where the facts are disputed in particular cases the question is for the jury. The circum-

stance that any particular property is taxed at City rates is not conclusive, it being still open to the Court or jury to decide that such property is rural, and hence is not liable to an assessment based upon its frontage.

I assume that Councils, in directing that only property taxed at City rates should be assessed, took it for granted that it would not be open to the City to insist that any property was urban for assessment purposes, but not urban for purposes of taxation.

As to whether your Department would be justified in providing in its contracts that assessment bills against all property assessed for taxes at suburban rates and at farm rates not actually used for farm purposes should be taken by the contractor in payment for the work, I do not think that contractors would be willing to accept such a stipulation or that they could rightfully be compelled to do so, for, as already seen, it is not the actual use of any given property which governs upon this question, but rather the general character of the neighborhood as urban or rural. Nor, as stated above, is the classification for taxing purposes the finally determining factor.

Whether any of the property which is assessed for taxation at suburban rates is to be deemed city or country property, the foregoing excerpt from the case of *Anderson vs. Lower Merion* affords a fairly good test.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 18, 1912.

In re removal of poles and wires from City streets.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 17th inst., enclosing copy of correspondence of John H. Fow,

Esq., relative to the removal of poles and wires from the streets, and inquiring whether, if the resolution passed by Councils on January 21, 1886, were rescinded the ordinance of June 13, 1882, would still be in force.

The ordinance of 1882 required the removal of all poles and wires erected by telegraph, telephone and electric light companies within the City of Philadelphia on or before January 1, 1885, and made it unlawful after that date to erect or maintain any poles or wires for those purposes in the streets of Philadelphia.

By a resolution of June 11, 1885 the Chief of the Electrical Bureau was instructed to notify the various telegraph and telephone companies that all overhead wires, between Vine and South streets and the Delaware and Schuylkill Rivers, must be removed before January 1, 1886, and to remove those which might remain in place after the date named.

By a resolution of January 21, 1886, the Chief of the Electrical Bureau was directed not to enforce the removal of overhead wires "as required by the resolution of June 11, 1885, for the present."

In the absence of other Councilmanic action upon the subject, and I am not aware of any such further action, the repeal of the resolution of 1886 would leave the ordinance of 1882 and the resolution of 1885 in effect.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 19, 1912.

In re tower fire escapes on hotels.

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of an inquiry from the Chief of the Bureau of Building Inspection, approved by

you, whether first-class or fire-proof buildings used as hotels are required to have tower fire escapes, attention being called to Section 38 of the Act of May 5, 1899, and Sections 1, 2 and 7 of the Act of April 25, 1903, as bearing upon this subject. These statutes are quite voluminous, and I assume that the sections referred to are the only ones which are relevant to the inquiry.

Section 38 of the Act of 1899 enumerates hotels among a number of buildings which "shall have such number of good and sufficient stairways or other means of egress as shall be determined by the Chief of the Bureau of Building Inspection." Provision is also made in that section for tower fire escapes in certain structures, but not in hotels.

Section 1 of the Act of April 25, 1903, provides for buildings of the first and other classes, those of the first class being described with respect to the walls, floors, girders, etc.

Section 2 provides that any buildings hereafter erected or altered to be used as a hotel, among other uses, shall be a building of the first class.

Section 7 of the last named Act gives a list of buildings of the first, second and third classes which are required to be provided with tower fire escapes, but in this list hotels do not appear.

The omission may have been intentional or unintentional. However that may be, the statute, of course, is to be read as it is written; but whilst this is true and whilst from the language of the statute the Chief of the Bureau of Building Inspection is not compelled to require tower fire escapes in hotels, still he has full authority in this respect to require to be done everything that may be necessary for the public safety, and if the public safety requires the erection of tower fire escapes in hotels, either generally or in particular cases, he may require the same to be erected, notwithstanding the omission of hotels in the statute above referred to.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 21, 1912.

In re payment of employees engaged upon work in connection with Water Conservation Exhibit.

JOHN M. WALTON, ESQ.,
City Controller.

DEAR SIR:—I am in receipt of your letter of this date concerning the pay-rolls for mechanics and laborers for services performed:

1. On buildings, grounds and reservoirs;
 2. On improvements, and
 3. Torresdale filter plant,
- payable out of Items 2-e, 3-e, and 14-e, which read respectively as follows:

“For the wages of mechanics, laborers, and other workmen employed upon repairs to machinery, and the maintenance of and repairs to buildings, grounds and reservoirs, and the transportation of workmen incident thereto.

“For the wages of mechanics, drillers, laborers, and other workmen connected with repairs to and improvements of the distribution and the laying of service mains, the transportation of workmen engaged in repairs, and the traveling expenses of pipe inspectors.

“For the wages of mechanics, laborers and other workmen employed in the maintenance and operation of the Upper Roxboro, Lower Roxboro, Belmont, Queen Lane and Torresdale filter stations, the Belmont and Torresdale laboratories and the Torresdale pumping station.”

You state that these pay-rolls contain the names of employees who were and are engaged in work in the City Hall courtyard, known as the Water Conservation Exhibit,

and for which an appropriation was asked from Councils in the following terms: Department of Public Works, Director's office: Item 8 (new), to pay the expenses, etc., incident to the exhibition of water conservation, five thousand (5,000) dollars," which appropriation was refused by Councils.

You ask whether you would be justified in paying said employees engaged in the Water Conservation Exhibit out of Items 2-e, 3-e, and 14-e.

You would, of course, not be justified in paying employees engaged upon work for which an appropriation was distinctly asked from Councils and definitely refused. I think, however, that no impediment should be put in the way of laborers otherwise engaged and who are within the purposes for which the annual appropriations were intended; and I therefore recommend the separation of the pay-rolls so that the latter laborers may be paid promptly and without any delay; those engaged in the Water Conservation Exhibit to await an appropriation by Councils, should such be made in the future.

The attention of Councils should be immediately called to the situation in order that speedy relief to the laborers engaged in the Water Conservation Exhibit, and who were not in fault in doing the work under orders, may be afforded.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

Philadelphia, October 21, 1912.

In re piers—dredging docks.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 17th inst., stating that your Department, under authority of

Section 12 of the Act of June 8, 1907, and in consequence of complaints that many private docks on the Delaware and Schuylkill Rivers have a grossly insufficient depth of water, served notices upon a number of owners requiring them to dredge to a depth of twelve feet; that the owners refused, claiming that their piers, being merely of crib construction, would break down if the adjoining docks were dredged to any such depth; that your Department is willing to compromise upon a depth of nine feet, which is believed to be a reasonable draft, but that the owners make the same objection and have notified you that if the dredging is done and their piers are thereby destroyed they will hold the City liable.

You state further that some of these piers, having been constructed upon plans approved by the Board of Port Wardens, which had jurisdiction of the subject prior to the creation of the Department of Wharves, Docks and Ferries, you are in doubt whether the City might not be liable in case of the collapse of such piers, as a result of the deepening of the docks as thus required, and you ask for an opinion upon this subject.

The right to require the owners of piers to cleanse the adjoining docks, or for the City to do so upon default of the pier owners after notice, and to file liens for the cost of the work, was created by the Act of May 13, 1856 (P. L. 567, Section 12), which authorized Councils to provide by ordinance for that purpose. This Act contains the proviso that: "No dock shall be cleansed to a greater depth than the natural bed of the river." The next Act upon the subject was that of April 22, 1858 (P. L. 449), which was substantially to the same effect as the Act of 1856.

The Act of May 20, 1864 (P. L. 906, Section 2), transferred the powers thus conferred to the Board of Port Wardens.

Section 12 of the Act of June 8, 1907, provides that:

"Whenever the owner or owners, or lessee or lessees of any private wharf, pier, or bulkhead within the limits of said cities shall fail to keep and maintain the adjoining dock or docks clean and free from

obstructions, it shall be lawful for the said Director, upon default for thirty days after service of notice on such owner or owners, lessee or lessees, to clean or cause said dock or docks to be cleaned and freed from obstructions," and to apportion the cost among the adjacent owners or lessees of the wharves, piers and bulkheads, collecting the cost of the work by filing liens.

None of these Acts specifies the depth to which the wharf owner or lessee may be required to dredge the dock, excepting the Act of 1856, which, as already seen, provides that the natural bed of the river shall constitute that limit. It will be noted, however, that all of the Acts, including that of 1907, provide merely for the cleaning of the docks and the removal of obstructions. I do not think this means that the pier owner may be compelled to dredge to an indefinite depth, if so required by your Department or by its predecessors, the Board of Port Wardens or Councils, but only that he must clean the dock and remove obstructions therefrom. This would include both artificial obstructions and those arising from the accumulation of mud, etc., as stated to you in the opinion of this Department of August 13th last, but would not authorize the requirement to dredge or artificially deepen the river.

You do not state whether the dredging which you mention is of the former or the latter character. That is, whether it is a mere cleaning and removing of obstructions, or the deepening of the natural river bed. The mere fact that the piers had been constructed under plans approved by the Board of Port Wardens would not in my opinion be controlling. Their approval of the plans was not intended to guarantee the pier owner that he would not in the future be required to keep the dock cleaned and free from obstruction, even if the effect of his so doing would be to weaken the foundations of the pier or perhaps to cause its collapse.

The foregoing are the theoretical legal considerations applicable to the situation.

As a practical matter, if your Department were to dredge

the dock and thereby cause the ruin of adjoining piers, it is probable that the City would find itself involved in litigation into which other questions might readily be injected, as, for instance, whether due care had been used in protecting the piers during the progress of the work, and other like questions. I suggest this for your guidance and as entitled to such consideration as it may seem to you to merit.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 22, 1912.

Power of the City to compel the removal of overhead trolley wires by the Philadelphia Rapid Transit Company.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I am in receipt of your inquiry of the 17th inst., as to the right of the City to compel the Philadelphia Rapid Transit Company and its underlying companies to remove all overhead wires and to install an underground system for the transmission of power, enclosing a letter to yourself upon the subject from J. Howard Pile.

The various ordinances authorizing the different companies to operate by overhead electric power contained a provision giving the City the right to compel such companies to use an underground system whenever the proper officials of the City might require this to be done.

Under the contract between the City and the Philadelphia Rapid Transit Company, dated July 1, 1907, made pursuant to ordinance of that date, and the validity

of which the Supreme Court has upheld in *Brode vs. Philadelphia*, 230 Pa. 434, it was provided, *inter alia*, as follows:

"Eighth. The City hereby confirms to the company and its subsidiary companies all of the consents, rights and franchises heretofore granted to, and exercised by them, and each of them, including the right of operation by the overhead trolley system, free of all terms, conditions and regulations not herein provided for, and does further give up and surrender and agree not to exercise any rights which it may possess in respect to a repeal or resumption of any of the said rights now possessed or heretofore granted, or a taking over of any of said properties, any law, ordinance or contract now in force or hereafter passed to the contrary, notwithstanding: *Provided, however, That the present rates of fare may be changed from time to time, but only with the consent of both parties hereto: And provided further, That nothing in this contract contained shall be construed to limit the power of the City to make all rules and regulations relating to the operation and management of the lines controlled by the company, necessary and proper to be made under the police power.*"

It is a principle of law that the police power cannot be waived by contract or otherwise. In this instance the right to the exercise of the police power has been expressly reserved. The subject is therefore one for such consideration and action as Councils shall deem proper.

Regarding this, permit me to call your attention to the fact that Councils recently passed an ordinance granting permission to the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to lay a single track railway on Carpenter street, from its terminus on Wayne avenue east to Sherman street, north of Sherman street to Ellet street, west on Ellet street to Wayne avenue, and south on Wayne avenue to Carpenter

street * * * "and to construct, maintain and operate an overhead trolley system in connection therewith." This ordinance was approved by you on the date of your letter to me.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 22, 1912.

Right to make monthly payments to contractors, usual clause having been omitted from the contracts.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your letter of this date, enclosing copy of one to yourself from the Director of the Department of Public Works in regard to the specifications attached to the contracts for resurfacing streets with asphalt. He states that there was omitted from these contracts by clerical or typographical error, or error in the proof reading, the clause which provides for monthly payments during the progress of the work; that this clause appears in the other contracts of the Bureau of Highways and was intended to appear in these also, but that, owing to such error, they are made to read so that no part of the contract price is to be payable until the completion of the entire work; that it would be a great injustice and hardship to enforce the contracts as thus written, and that such a course would seriously interfere with the prosecution of the work and be hurtful to the interests of the City. As twenty odd contracts upon which work has been practically completed are affected, you inquire whether the specifications can be changed under the ordinance of July 5, 1877, without the consent of Councils and the security on said contracts.

So much of the ordinance of 1877 as provides for the supervision of contracts by Councils and forbids changes therein without the consent of those bodies is, I think, superseded by the Act of June 1, 1885 (Bullitt Act), which forbids interference by Councils with the executive management of the City's affairs. This was in effect decided by Judge Sulzberger, of the Court of Common Pleas No. 2, of this County, in *Comm. vs. Walton*, 15 D. R. 585.

Moreover, the changes contemplated by that ordinance were changes in the price of work or materials furnished the City, and not such changes as are here in question. It would, however, be manifestly unsafe and improper to make the payments upon said contracts without the consent of the sureties thereto, but, upon such consent being given, I see no reason why the payments may not be made as requested by the Director of the Department of Public Works.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 23, 1912.

Necessity for additional bond from Receiver of Atlantic City Transportation Co. Lease of Arch street wharf.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In reply to your letters of the 11th and 17th insts., relative to the lease of a portion of Arch street wharf to the Atlantic City Transportation Company, I beg to advise you that it will not be necessary to require the Receiver to file an additional bond to protect the City for the three months of the lease still to run. So long as such Receiver occupies the wharf he will be required

to pay the rent therefor. The amount so paid by the Receiver will, of course, be deducted from that for which the surety for the lessee will be liable upon its bond.

From your statement there appears to have been paid only \$350 rental, leaving a balance for the nine months from February 1st to October 31st of \$1,225, the lease having three more months to run, carrying it to January 31, 1913. Adding to the \$1,225 of arrears a further rental of \$525 for the three months still to run makes a total of \$1,750.

The American Bonding Company, of Baltimore, the surety, will be liable for the latter amount, less any rental which the City may be paid by the Receiver, or any tenant to whom the wharf may be let if the Receiver relinquishes possession before the expiration of the term of the lease.

I think it would be advisable to notify the American Bonding Company of the amount of the rent in arrears and of the fact that the City will hold it liable for all rent not paid by the lessee up to the expiration of the term, and enclose a form which may be used for that purpose.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 23, 1912.

In re contract for election ballots, etc., the amount appropriated being insufficient to cover their cost.

FRANK J. GORMAN, Esq.,
Secretary, Board of County Commissioners.

DEAR SIR:—I am in receipt of your letter of the 22d inst., concerning the printing of the ballots to be used at the election of November 5, 1912, the contract for

which you state was awarded to the Dunlap Printing Company.

By ordinance of December 1, 1911, an appropriation was made for this, among other purposes, but the amount is insufficient to cover the requirement for the contract for furnishing the supplies and ballots that will be necessary in order to properly conduct the election, and because of the insufficiency of the appropriation you state that a contract cannot be executed, since the work must be commenced at once to be finished within the time required by law, and you submit this situation for my consideration and advice.

In reply thereto permit me to state that the requirement to print the ballots is of absolute importance, and is imposed upon the County Commissioners by mandatory statutes.

In the case of *Wright vs. Philadelphia*, 8 W. N. C. 149, it was decided by the late Judge Thayer that the duties laid upon county officers by law must be performed irrespective of the absence or insufficiency of the necessary appropriation by Councils and without regard to any condition which might be annexed to such appropriation, or to the provisions of the Act of 1874, requiring advertisement and the letting of municipal contracts to the lowest responsible bidder. This Act was held not to be applicable where the expense to be incurred by the Sheriff was necessary to the performance of duties imposed upon him by law.

The printing of ballots for a public election, the furnishing of sample ballots, the securing of the books and ballot boxes required therefor with the other requisities of the holding of an election have been placed upon the County Commissioners by a series of Acts of Assembly. Thus the Act of June 13, 1840, Section 7 (P. L. 686), makes it the duty of the Commissioners of every county to provide a sufficient number of books to contain the tickets, blank form of election oaths, ballot papers and returns. This Act was made applicable to the City Commissioners of Philadelphia by Act of January 30, 1874, Section 24 (P. L. 42). All the necessary blanks, sta-

tionery, etc., were required to be furnished by the City Commissioners in Philadelphia by Section 29 of the Consolidation Act of February 2, 1854, and again, by Act of April 17, 1869, Section 41 (P. L. 65), counties were required to make the necessary appropriation, and the City Commissioners to furnish all books, blanks, stamps, stationery and material necessary for the purposes of that Act.

By Act of June 10, 1893 (P. L. 419), generally known as the "Baker Ballot Act," these requirements were amplified and repeated. It is provided therein that all the expenses of the election should be a county charge unless otherwise provided for in that Act, and the duty of providing for the printing of the ballots, cards of instruction, specimen ballots, instructions to voters, the printing of certain sections of the statute, extra ballots, copies of the Assessors' lists and the providing of rooms to be fitted up as prescribed by the statute for voting purposes, and to fix the compensation for light, rent and fuel, were all placed upon the County Commissioners in the various counties.

As already stated, these requirements are of the most mandatory character; the duties to be thus performed are of the very highest importance, and the County Commissioners would be derelict in their duty should they fail to proceed with the printing of the ballots and the taking of the other steps preparatory to the holding of the election independently of whether or not there may be an available appropriation sufficient for the purpose.

I advise you, therefore, to at once proceed.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 23, 1912.**In re use of City streets as farmers' markets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry of the 16th inst., whether there is anything in the laws and ordinances at the present time to prevent the utilizing of the City streets for the purpose of holding farmers' markets, to be so placed as not to seriously interfere with the traffic of vehicles.

The right to regulate the markets was given to the Councils of the City by Act of April 16, 1838, Section 3, P. L. 626, and the authority of the City with respect to markets was fully vindicated in the case of *Wartman vs. Philadelphia*, 33 Pa. 202. The general power given by the Act of 1838 was modified by later legislation. Thus the Act of April 4, 1859, P. L. 444, provided that the east side of Broad street, from South to Christian; Shippen (the present Bainbridge) street, from Second to Third; South street, from Sixth to Twentieth, and Fourth street, from Pine to Christian, should be stands for carts to sell produce, etc., under the regulations and limitations contained in that Act. On the other hand, the Act of March 24, 1870, Section 1, P. L. 550, made it unlawful to establish or maintain any stand in any of the public streets of the City between the north side of Girard avenue and the south side of Walnut street, or upon the footways thereof, for the sale of meats, fish, farm or garden produce. Under authority of the Act of 1838 the City by ordinance of July 17, 1851, authorized the sale of market produce from wagons, etc., on Second street, from Pine to Chestnut street, and by ordinance of September 25, 1845, the same provision was made with respect to South street, from Second to Eighth street, but by ordinance of March 16, 1861, such use of the

highways was prohibited in any part of the Twenty-first Ward in the late Borough of Manayunk.

Numerous other ordinances of more or less local character have been enacted from time to time, both by the Councils of the City of Philadelphia as consolidated, and by those of the districts, etc., constituting the present City and made before the Act of 1854, bringing all of such outlying districts within the City of Philadelphia. Such local legislation was enacted by the Districts of Northern Liberties, Kensington, Penn, Spring Garden, Richmond, Southwark and Moyamensing. In general, these ordinances provided some part of the district in which it was made lawful to sell meats, fish, vegetables and other produce from carts or wagons upon the highways, and prohibiting such sale in other portions thereof.

The Acts and ordinances, local and general, which bear upon the subject are too many to be cited or even referred to within permissible limits. They will be found in Brightly's City Digest, pages 319 to 343.

As having some relevancy to your inquiry, I may cite the Act of April 15, 1891, P. L. 17, and the ordinance of April 11, 1893, page 216. The Act of 1891 provides that it shall be unlawful to hawk, peddle or vend upon the highways or pavements of any city of the first class any fish, fruit or vegetable, unless a license shall have been previously obtained therefor as provided in the Act, which licenses were to be granted only to citizens of the United States and to remain in force for one year. It was provided, however, that nothing contained in the Act should prevent any citizen of this Commonwealth from vending, hawking or peddling the products of his, her or their farm or garden.

The ordinance of 1893, passed in pursuance of the last mentioned statute, provided for the issuing of annual licenses for this purpose, and a license fee of \$15 for each wagon or other vehicle drawn by two horses or other animals; of \$10 for each wagon or other vehicle drawn by one horse or other animal, and of \$5 for each barrow or hand-cart, was exacted, such licenses to be issued to farmers vending the products of their own farms without charge.

From the foregoing resumé of the legislation it is seen that the right to regulate the use of the City streets for the purpose in question is vested in Councils, which have unrestricted power with respect thereto, except in so far as the Legislature has by statute prohibited the use of particular streets for the sale of produce. Where not so prohibited Councils could set apart such locations and make such regulations upon the subject as those bodies might deem proper. In the absence of such action by Councils it would not be within the power of the executive officers of the City to authorize the streets to be so used.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 26, 1912.

In re Torresdale avenue, from Lewis to Womrath street.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of October 19th, relating to Torresdale avenue, along the line of which, from Lewis street to Womrath street, the abutting property on one side has been transferred, except for a strip of about six inches, for the obvious purpose of avoiding or delaying payment of the assessment when improvements are put there.

In reply to your inquiry as to whether there is any legal relief from this situation, which exists in a large number of localities throughout the City, I would suggest that this is a practical rather than a legal question, and should be dealt with in a practical manner by your Department.

Under the law, only abutting property owners are liable

to assessment for street improvements, and when this six inch strip prevents the property benefited from abutting, a lien for more than the six inches could not legally be sustained. The result is to defraud the City of its due, giving the property owners in the locality a benefit to which they are not entitled. Several plans suggest themselves, all more or less objectionable.

Your proposition that the City take up these liens and build up some sort of a barricade on this six inch strip in order to discourage this practice in the future does not commend itself, for the reason that it partakes of the nature of a "spite fence," which would, in my opinion, yield very little, if any, result.

So, also, the suggestion that the street might be widened to the extent of the six inch strip is objectionable, as it would involve the payment of heavy damages for the taking, besides involving the City in a game of hide and seek with the property owners, for the strip involved might differ in width in different blocks, and the owner might, after the widening, repeat the proceeding by conveying a second strip, and so on indefinitely.

If the City were to acquire this narrow strip under the liens, it would unquestionably give it the power to make matters unpleasant for those property owners who are attempting to fraudulently evade the payment of assessments. Under such an arrangement the City could legally refuse the adjoining properties the benefits of connecting with such improvements as water, sewer and gas, although an assessment for paving could still be evaded. Moreover, in the particular instance under consideration, the six inch strip is on Torresdale avenue, whereas the lots front on Lewis street and Womrath street; hence these properties could connect with the improvements on the latter streets and still evade the assessments on Torresdale avenue.

A practical method, and one that would drive the party attempting to thus defraud the City to defending his fraud in court, would be to assess the property adjoining the six inch strip as well as the strip itself, filing the lien against both properties. Where the six inch

strip has been transferred after the passage of the ordinance opening the streets and authorizing the improvements, it is my opinion that the Courts would probably sustain the lien, the situation being somewhat analogous to a conveyance of property in fraud of creditors.

The only alternative that suggests itself is for the City to refuse to put down improvements where such conditions exist, unless all the property owners benefited agree to pay for such improvements. This would, of course, retard the development of these localities and may prove a hardship to innocent parties, but may be preferred to the present method of gratuitously benefiting those property owners who resort to such practices. Inasmuch as these conditions are originally brought about by ingenious contractors whose business it is to develop large sections of the City and who are therefore dependent upon the City for improvements, a rule of this sort would seem effective in checking the evil.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 28, 1912.

*In re right to do emergency work on meadow banks in
Philadelphia and Delaware Counties—liability of
Delaware County.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways, approved by you, with reference to the duty of the Commissioners of Delaware County in regard to repairing the meadow banks along Tinicum Island in that county.

These banks, it appears, were formerly under the charge of the Kingsessing and Tinicum Meadow Company, which was incorporated by Act of April 3, 1851, and which, on May 6, 1912, surrendered its charter under authority of the Act of June 9, 1911 (P. L. 834).

It is stated in Mr. Connell's letter that for a distance of about two miles along Bow Creek there are no banks of sufficient height to keep the river back if the banks along Tinicum Island should break; that such banks on Tinicum Island are in a dangerous condition, of which fact the Commissioners of Delaware County have been notified, but inform your Department that their Solicitor advises them they are not obliged to make any repairs thereto. It is further stated that unless the said banks are repaired it is quite likely that water from the river will flood several thousand acres in West Philadelphia during the next freshet, which may occur at any time, and that the Highway Bureau is making emergency repairs and keeping note of the cost thereof, but has no appropriation for the extensive repairs required. It is suggested that notice be given to the Commissioners of Delaware County to make the repairs, and in the event of their refusing to do so, that this City make them and charge the cost of same to the Commissioners of Delaware County, obtaining from Councils an appropriation for the work, which will amount approximately to \$15,000.

The Act of 1911 authorizes the surrender of the charters of Meadow Bank Companies, and provides that "immediately thereupon all of the duties heretofore performed by such companies shall devolve upon the respective cities or counties within which the lands lie which had been theretofore within the jurisdiction of such Meadow Companies."

This provision of the Act would seem to impose upon Delaware County the duty of making the necessary repairs to the meadow banks in so far as the land theretofore within the jurisdiction of the Kingsessing and Tinicum Meadow Company, and projected by such meadow banks, lies within that county.

I do not know, of course, upon what ground the Solicitor

of Delaware County rests his opinion, but if the conditions are such as stated by the Chief of the Bureau of Highways, the emergency would justify immediate action irrespective of legal considerations, and I would recommend that steps be taken as promptly as possible to procure the required appropriation for the work, and that thereupon it be immediately proceeded with. When you are in funds for the purpose and are ready to go on, a preliminary notice may be served on the Commissioners of Delaware County as is suggested, or an arrangement can perhaps be made to the end that the meadow banks may be put in safe condition, and the question of the cost adjusted between the two counties by amicable litigation or otherwise; meanwhile, if you will obtain from the Commissioners of Delaware County the name of their Solicitor, it is possible that an adjustment of the difficulty may be reached by conference between him and this Department.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 28, 1912.

Posters on party wall, western side of Foerderer lot.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 26th inst., with respect to posters on the eastern side of the wall upon the west boundary of the Foerderer lot at Broad and Arch streets. It is a party wall, and the rentals for its use for the exhibition of posters has been shared between the City and the owner of the adjacent property. You inquire as to "the City's status—whether it is entitled to all the revenue or only one-half."

If the City has entered into any contract with respect to this or other walls similarly situated, it will, of course, be obliged to conform to the terms of such contract until its expiration.

Aside from contract obligations, however, the owner of the adjoining property has no right to receive any part of the compensation for the use of the eastern face of the wall. This principle was decided by the Supreme Court in the case of *Oakford vs. Nixon*, 177 Pa. 76. That case concerned the right to use for advertising purposes a party wall built upon premises 29 South Ninth street and upon the adjacent lot to the south, and it was held that the owner or lessee of 29 South Ninth street had no rights in the southern side of such wall, the Court saying, on page 80:

"It may be conceded that the plaintiff (the lessee of No. 29 South Ninth street) had no title to the south wall of No. 29. It was a party wall, and the rights of the plaintiff did not extend beyond its center; its southern face belonged for all purposes to the owner of the land on which that half of the wall rested."

This statement of the law seems conclusively to settle the question put by you.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 28, 1912.

In re inspection of sling hoists—charge for same.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—Your letter with an abstract of a letter to yourself from the Chief of the Bureau of Elevator In-

spection, with regard to the right of the City to charge for the inspection of sling hoists, is duly received.

By the Act of May 28, 1907 (P. L. 297), provision is made for the inspection of hoists as well as elevators, the expression "every elevator or hoist," or like phrase, appearing repeatedly throughout the Act. In drawing the ordinance of April 15, 1908, under authority of the said statute, however, no provision appears to have been made for fees for the inspection of such sling hoists. The charges for inspection and certificates are applied only to elevators and are based upon the number of stories of the buildings in which such elevators are found. In Section 9 of the ordinance it is provided that no permit will be issued to erect an elevator or sling hoist in any thoroughfare where it is necessary to pass through the shaftway or under the elevator, and other references to hoists are found in this and in the 12th section, but, as already stated, in fixing the fees for inspection and also for permits, no requirement is made with respect thereto. Until this omission is corrected, I do not see how any charge can be made for this service or at what rate any such charge would be fixed.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 28, 1912.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—In reply to your favor of the 23d inst., as to whether an extension of the notice given by the Department of Public Works, July 23, 1912, under an ordinance appropriating certain properties between Sixteenth and Seventeenth and Arch and Appletree streets,

would affect or rescind the notice given July 23d, I beg to advise as follows:

The right of action in a matter of this kind accrues on the receipt by the property owners of the three months' notice issued by the City through the Department of Public Works. Upon the expiration of this three months' notice, regardless as to whether the bond of the City has been entered or not, this portion of the Parkway would be considered legally open.

In the event of tenants occupying any of the properties affected by this opening having removed pursuant to notice received by them, their liability to their landlords would cease October 23, 1912, and as of that date both owners and tenants would have the right to make claim against the City of Philadelphia for any damage suffered by reason of the taking of the said property.

An extension of the time for the tenants to remove from October 23, 1912, to January 1, 1913, would not affect the time of the legal opening of this portion of the Parkway, but there is no reason why an agreement should not be entered into between the tenants and property owners on the one side and the City of Philadelphia on the other, agreeing to such an extension as a postponement of the physical work.

In *Uhler vs. Cowen*, 199 Pa. 316, which arose out of the widening of Delaware avenue, where the City had served the three months' notice, and the defendants, as tenants of a wharf property, moved out pursuant to the notice, with part of a ten years' lease to run, the Court held that the defendants were justified in removing from the premises pursuant to the City's notice, and their liability for rent ceased at the expiration of three months from the date of the serving of the notice; also, that the right of action accrued on receipt of the three months' notice, and only the abandonment of the improvement could then arrest the progress of the proceeding.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 31, 1912.

In re purchase of "first aid car."

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 29th inst., enclosing a communication to yourself from Dr. H. R. Owen, Chief Surgeon, Bureau of Police, relative to the purchase of a "first aid car," concerning which you inquire whether "this car comes under your original ruling handed down some time ago."

In Dr. Owen's letter, the car, the purchase of which is desired, is described as an ambulance or "first aid car," to be used at large conflagrations and other accidents, to be so constructed that patients can be placed therein on stretchers, and to be equipped with life net, chemical extinguishers, axes and other apparatus to assist at fires, or serve in the work of rescue and in the care of persons injured.

The ruling to which you refer I assume to be the opinion of this Department of July 31st of this year, in which you were advised that an appropriation for the purchase of police and fire apparatus and equipment, including new fire boat, might not be applied to the buying of automobiles, especially in view of the fact that distinct appropriations for the purchase of automobiles had been made.

I do not think that the same considerations apply to an ambulance or "first aid car" of the character indicated by Dr. Owen, which, on the contrary, would seem clearly to come within the purposes of an appropriation for the purchase of police and fire apparatus and equipment.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 31, 1912.

In re supply of water outside City limits.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of the 30th inst., enclosing copy of a proposed ordinance to authorize residents of Montgomery County to lay water pipes in Levick street, west of G street, to Woodland avenue, and south in Woodland avenue, about 300 feet, which I return herewith as requested.

I also enclose copy of the opinion to yourself, dated August 19, 1912, which you ask me to send you, and which I presume is the foundation for the statement at the meeting of the Water Committee of Councils to which you refer. You will note that the opinion is to the effect that it would not be legal to connect properties beyond the City boundaries with the water pipes of the City unless such course was authorized by Councils or by an Act of Assembly. At various times ordinances of this character have been passed in particular cases, as was noted in the letter of the Chief of the Water Bureau in reply to which the opinion of August 19th was sent. The executive officials of the City have in the past complied with such ordinances, I believe, and if the present proposed ordinance should be adopted, and if there is no practical objection to making the connection, I think your Department would have sufficient justification to proceed as by such ordinance directed.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 31, 1912.**Coal rate hearing before State Railroad Commission.*

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I received your communication of the 23d inst., enclosing a copy of a letter of the same date sent by you to the Director of the Department of Public Works, referring to certain proceedings by Henry E. Bellis and Ward W. Pierson before the Pennsylvania State Railroad Commission now pending, in connection with alleged excessive rates charged by railroad companies for bringing anthracite coal to the City of Philadelphia from the Schuylkill and other regions.

In your letter you request me “as the legal representative of the City,” to take up the question discussed in your letter to the Director. I immediately got into communication with the Director of the Department of Public Works, and on the date of the receipt of your letter by me received from him a letter in which he wrote:

“The only rate about which I made inquiry is that charged by the Philadelphia and Reading Railroad from the Schuylkill regions.”

* * * * *

“It is only fair to add that I know nothing about the legal aspects of the matter, and very little about it in any other way.”

On the 26th inst. I wrote to Director Cooke, requesting him to present to me a tabulated written statement in detail of all the evidence he might be able to produce in regard to the matter of coal rates and the nature thereof—whether documentary or oral—together with the names of the witnesses. To-day I am in receipt of a letter from him in which he refers me to certain papers and copies

of correspondence. From an examination of the same I find that a month ago counsel whom he conferred with upon this subject, and who had at his request and for your information considered the subject, recommended as follows:

"I believe that if the City has sufficient resources to go into this matter thoroughly, it would be a very productive field of investigation, and in my judgment would tend as effectively to reduce the cost of living as any other similar investigation. The investigation should cover the rates on anthracite coal from all regions. Unless the City is prepared to go into the matter thoroughly, it would not in my judgment be wise to participate as a party in the proceedings, which I understand are shortly to be commenced before the State Railroad Commission. If it cannot do this, I think its activity might wisely be limited to a letter to the State Railroad Commission expressing the interest of this City in the investigation and the hope of the Mayor that the apparently high railroad rates might be reduced. It does not seem to me wise that such a letter should ask the Commission to deal with any aspect of the the case except the cost of transportation."

The advice thus given to the Director seems to be justified by the existing situation, for from the Director's letter of this date to me, and also from an interview which I have this day had with him, it appears that beyond the communication of Messrs. Bellis and Pierson, the complainants before the Railroad Commission, and a printed copy of a public document the report of the hearing before the Committee on Interstate Commerce of the United States Senate, November 23-28, 1911, the City is without and data, testimony or witnesses, and it is not at this time fortified with the evidence to warrant its assuming the responsibility for such contemplated legal proceedings with reasonable assurance of success.

It would give me great pleasure to assist in the orderly production of evidence, if it exists, showing that the price

of anthracite coal to the people of Philadelphia is unjustifiably increased by excessive freight charges of the railroads of the Commonwealth. Accusations of this character have for many years been persisted in by both individual citizens and the public press, and it is generally believed that Philadelphia is discriminated against with respect to the transportation of coal by the railroads in favor of localities more distant from the mines than this City is, and that we are thus deprived of the natural advantages of our geographical location. If true, this is a great wrong to our people, and whether or not the matter technically comes within the purview of the Law Department, yet if you or any of your Directors can produce evidence that will sustain this accusation, I shall be extremely glad to appear with you or with them and assist in the legal and orderly presentation of the testimony. The first step in the matter, it seems to me, should be to secure the testimony—to obtain witnesses familiar with the subject of railroad transportation and railroad freight charges, competent to make all necessary investigations and to appear before the Railroad Commission thoroughly equipped with all the data to establish the fact of the unjust charges and the unfair discrimination.

It is to be borne in mind that the Pennsylvania State Railroad Commission is a body absolutely without the power or authority to correct any abuse that may be found to exist in this matter. It can recommend changes, but it is powerless to enforce any of its rulings. In this respect it differs radically from the Railroad Commissions in many of our sister States. At best its present function could but enable it to aid in forming a wholesome public opinion that might lead to relief. The present Governor of our Commonwealth endeavored at the last session of the Legislature to secure a real Railroad Commission with adequate powers, but he failed. Whilst the utmost that could be secured from the existing Railroad Commission would be but a recommendation favoring a reduction in freight charges without any power to enforce the recommendation, yet even that may be worth striving for on behalf of the City if the necessary wit-

nesses and evidence can be obtained. Without such witnesses and without such evidence it would be a mistake for the City to become a party to, or to become responsible for these proceedings. My suggestion therefore is that you at once lay this matter before Councils with a request for authority to proceed before the State Railroad Commission and asking for such appropriation as will enable the desired data and evidence to be gathered under a thorough investigation by proper experts familiar with the subject of railroad transportation and railway rate charges.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 1, 1912.

In re security, lease of Pier 19 North Wharves—registration foreign corporation in Pennsylvania.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of October 28th enclosing a copy of the correspondence between yourself and the Messrs. Hartfield, Solari & Company in reference to the furnishing of security for lease of one-half of Pier 19 North Wharves, and also in reference to the advisability of requiring that "The Italia Societa di Navigazione a'Vapore" be registered in Pennsylvania as a foreign corporation.

I think it is for you to decide whether the interests of the City make it necessary that a surety bond should be furnished by the lessees. If such bond be given in a sufficient amount to protect the City, it will not be essential, so far as it is concerned, that the corporation

be registered, for the bond of a responsible surety will constitute a sufficient safeguard of the City's rights.

If you should decide not to require a surety bond, then the registration of the corporation should be insisted upon because in the event of being compelled to sue upon the lease, the registration would enable us to serve the writ and other documents in this jurisdiction and we would not be subjected to the necessity of suing elsewhere with all the disadvantages attendant upon such a course.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 2, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 1st inst., stating that it has been the custom in the past for the Chief Inspector of Meters to sign reports of tests of meters, and inquiring whether it would be legal for the Assistant Inspectors of Meters to sign the reports.

The matter is one of routine in your Department and not of legal right or authority. Whichever method is deemed the better by the Chief of the Bureau or by yourself may be followed.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 4, 1912.

Right to break seals to examine meats, etc., in course of transportation.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I have received your letter of the 2d inst. stating that certain dishonest dealers are shipping meats of questionable character under lock to escape inspection, but claiming that it is for the purpose of preventing robbery. You inquire whether your Department has authority to forcibly enter the premises of such persons and to break the seals or locks on packages where the inspectors have reason to believe such packages contain meats, fish, poultry, game, etc. You refer to the Act of April 26, 1907, and the regulations adopted thereunder as the source of that right.

This Act provides for the licensing of buildings, parts of buildings or wagons, used for the slaughter of animals or poultry, or for the storage or preparation or exposure for sale of meats, poultry, fish, game or shell fish in cities of the first class. It is required by the Act that such places shall conform to the regulations established by the Board of Health, which is specifically authorized to enact rules and regulations "governing the conditions under which animals or poultry may be slaughtered and dressed, or meat, poultry, fish, game and shell fish may be prepared for use as food, or stored, or exposed for sale. Such rules and regulations shall provide for the proper sanitary equipment of the buildings or parts of buildings or premises so used, and also for the cleanly and sanitary maintenance and conduct of such establishments or wagons."

It is seen from the foregoing that the license is to be granted for the place, and that the rules and regulations which the Board of Health is authorized to make are likewise concerned with the premises, their sanitary equipment, etc., which are to be used for the slaughter, sale,

preparation, storage, or exposure for sale of the articles to which the statute relates.

So far as the breaking of locked packages prepared for, or in process of shipment is concerned, I find nothing in this Act which authorizes the Board of Health to interfere therewith, or to make regulations for that purpose.

Section 2 of the Act providing that the premises must conform to regulations established by the Board of Health doubtless implies that the Board, through its inspectors, or otherwise, may examine such premises to ascertain if they do so conform. I do not think, however, that this would authorize the summary breaking of locks and forcible entry into establishments where inspection thereof might be refused.

Section 4 of the Act, however, provides for the revocation of the license at any time for failure to comply with the rules and regulations established by the Board of Health.

Regulation No 2, providing for the entry and inspection of the premises, is unquestionably a reasonable and proper one, and disobedience thereto would, in my opinion, furnish a valid ground for exercising the power conferred by Section 4 of the Act to revoke the license for any such place.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 4, 1912.

Paving of Ardleigh street from Gravers lane to Highland street, the cost to be collected from abutting property owners.

HON. RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

DEAR SIR:—I return herewith the ordinance authorizing the paving of Ardleigh street, from Gravers lane to

Highland street. This ordinance provides that the Department of Public Works shall be authorized and directed to enter into a contract for paving Ardleigh street between the points named, the contract being so conditioned that the contractor shall collect the cost of paving from the owners of property fronting on said street.

I understand you to be in doubt whether you should approve of the ordinance because of the uncertainty whether the abutting property can be charged with the cost of the paving, that depending upon the question of whether the neighborhood is rural or urban.

In the recent cases of *Vulcanite Paving Co. vs. Philadelphia*, C. P. 4, December Term, 1911, Nos. 408-9, it was decided that when a contractor accepts assessment bills and is unable to collect them because of the rural character of the property he has no resort against the City. Therefore, in view of the condition of the contract imposed by the ordinance that the contractor shall collect the cost of paving from the owners of property fronting on the street, upon such a contract being entered into the City would be without further liability, excepting, of course, with respect to intersections, etc., and for this reason I am of opinion that no cause exists, upon the ground suggested, why the ordinance should not be approved.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 4, 1912.

Excessive speeding of trains; Philadelphia and Reading Railroad.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 2d inst. enclosing complaints of the excessive speed of trains

of the Philadelphia and Reading Railroad Company, which are herewith returned at your request. You ask whether your Department has any jurisdiction in this matter.

The charter of the Philadelphia and Reading Railroad Company (Act of 1833, P. L. 144, Section 20) gives to that company the power to regulate the speed at which its trains shall travel, but in spite of this authority conferred upon the Railroad Company, I have no doubt that the City of Philadelphia would have the right to regulate the speed of the railway trains within its limits (see opinion of City Solicitor of June 10, 1903, Opinions 1903, page 28).

The only regulation by Councils which I find upon this subject is the ordinance of September 8, 1881, page 189, which, after providing for safety gates at certain designated localities, makes it the duty of the Highway Bureau to notify any railroad company when at any time thereafter Councils might direct the erection of safety gates or the placing of a flagman at any grade crossing within the City's limits; and further provides that in case any railroad company shall neglect or refuse to comply with the said notice within ninety days after notification, it shall be unlawful for the railroad company so neglecting or refusing to propel cars on or over any street or road within the City limits at greater speed than twelve miles an hour under penalty of a fine of seventy-five dollars for each violation of the ordinance. If the provisions of that ordinance are not adequate to accomplish the purpose in view, I would suggest that the matter be brought to the attention of Councils for such remedial legislation as may be deemed wise.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 8, 1912.

Right of City to delegate to corporations the privilege of taking and occupying vault space with subway structures.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

MY DEAR SIR:—I am in receipt of your letter of the 25th ult. stating that you have received from Transit Commissioner A. M. Taylor an inquiry as follows:

“In order to build a proper system of subways in Philadelphia it will be necessary to encroach upon vaults constructed by property owners beneath the sidewalks at many places, especially in rounding curves, between intersecting streets and at stations. It is necessary for me to know what right the City has to take the space beneath the sidewalks now occupied by the abutting property owners, and whether the City has the right to delegate to corporations the privilege of taking and occupying such space with subway structures; also, whether the City would be liable for the damages in either event, and if so, to what extent such liability may be limited by the terms of permits or ordinances. As in some instances costly machinery has been installed on permanent foundations in the aforesaid vault space, this becomes an important question.”

Upon the subject of this inquiry you ask to be advised.

In a communication to you under date of July 18, 1912, written in reply to certain questions propounded by Mr. Taylor, I wrote stating that “the right to build subways or elevated railroads for transit purposes must emanate from the State,” that “the City cannot of itself confer such right,” and that whilst “under the provisions of the

Constitution, street passenger railway companies cannot be constructed within the limits of the City without the consent of the local authorities, the municipal consent, when given, is in the nature of a secondary franchise, a furnishing of the means to the enjoyment of the primary franchise, which must come from the State itself." In said communication I further stated that whilst the streets are frequently spoken of as "belonging to the City," the expression is technically not a correct one (*Commonwealth vs. Central Passenger Railway Co.*, 52 Pa. 506), and that although under the control of the municipality, the highways are the property of the State. (*In re Philadelphia & Trenton R. R. Co.*, 6 Wharton 25.)

Replying, therefore, to the inquiry, "whether the City has the right to *delegate* to corporations the privilege of taking and occupying such (vault) space with subway structures," I inform you that the City cannot confer upon corporations the primary franchise—the power to take property and to build subway structures—but it may, in connection with any of the streets within the City limits, consent to the exercise of such privileges by any corporation so first duly empowered by the Legislature.

The City's authority to tunnel the streets and to build subways for public convenience and to be used for public travel by means of street passenger railways to be constructed may be considered as a proposition entirely distinct from the question of the authority of the municipality to build and operate a street railway. The subway and the railway to occupy the subway are separate and distinct things.

Under delegated authority from the State the City has the control of the streets for public purposes, and its control is not limited to the surface of the soil.

In *Wood vs. McGrath*, 150 Pa. St. Reps. 451, it is said:

" * * * The right of the public in the streets of cities, boroughs and towns is far more extensive than the mere right to use the surface of the land for the purpose of passage. It is beyond all question that,

in the municipal organization referred to, the governing authorities possess just as clear a right to make use of the subsoil, as of the surface, for very many purposes for which the surface is not, and ordinarily, cannot be used, except with great inconvenience."

In *Schnizel vs. Bell Telephone Co.*, 31 Pa. Sup. Ct. Rep., page 232, where the Pennsylvania decisions are reviewed, it is said:

"The City has the right to use the streets and alleys to whatever depth below the surface it may be desirable to go, for sewers, gas and water mains, and *any other urban uses*. In taking the streets for these necessary or desirable purposes it is acting not for its own profit, but for the public good. It is the representative of the inhabitants of the City, considering their health, their family comfort, and their business needs; and every lot owner shares in the benefits which such an appropriation of the streets and alleys confers. * * *

"It is settled law that abutting owners on streets and alleys in cities and boroughs have no claim for damages by reason of the appropriation of the surface or sub-surface for public improvements to the advantage and benefit of all the inhabitants."

Whilst the precise point now involved has not been expressly ruled upon in Pennsylvania, the decisions in this State are clearly to the effect that the control of the municipality over the streets under its authority from the State extends, for public purposes, to the sub-soil as well and as fully and completely as to the surface of the ground, and such resort to reasonable means to aid in public travel within street lines, though below the surface, is clearly a public purpose tending to promote the public convenience.

In the case of the Boston subway, in *Sears vs. Crocker*, 184 Massachusetts State Reports, p. 588, the Supreme Court of Massachusetts said:

"The Legislature, the guardian of public interests and of private rights, has determined that the space below the surface of certain streets in Boston is needed for travel. The question is whether action under the statute involves an acquisition of a new right as against the landowner, or only an appropriation and regulation of existing rights. It can hardly be contended that this is an unreasonable mode of using the streets in reference either to travellers or abutters. If it is not an unreasonable mode of using them, the mere fact that it deprives abutters of the use of vaults and other similar underground structures in the streets, which they have heretofore maintained, is of little consequence. Abutters are bound to withdraw from occupation of streets above or below the surface whenever the public needs the occupied space for travel. The necessary requirements of the public for travel were all paid for when the land was taken, whatever that may be, and whether the particulars of them were foreseen or not. The only limitation upon them is that they shall be of a kind which is not unreasonable.

"In the present case the travel which is being provided for is from place to place within the City. There are stopping places on the subway at convenient points. In that respect it is different from a tunnel designed only or chiefly for travel for long distances. The new method is a substitution in part of a subterranean use of the streets for a use of their surface for the same general purpose. It is impracticable to have direct communication between the premises of abutters and the cars in the tunnel, but by going a short distance access to them may be had from any place. We are of opinion that this use of the street is within the purposes for which the lands were taken and that no additional servitude is created by it."

In Dillon on Municipal Corporations, Vol. III, Fifth Ed., Sect. 1180, it is stated that

"the right of an abutter to construct vaults under sidewalks * * * is not an incident of ownership of the adjacent premises or implied from such ownership, however convenient or even necessary the exercise of such an authority may be to the full enjoyment thereof. The implication of such a right as one annexed to the land, and arising out of ownership merely, would lead to embarrassing complications and interfere with the control and regulation of streets which, in the interests of the public, is reposed in the public authorities. * * * The rights of such an abutter in vaults constructed under municipal authority are, strictly speaking, not easements in a legal sense, but are rights or privileges based on a revocable consent or license. * * * Whenever the existence of the vault or opening interferes with the public use of the street, the right to maintain it terminates; the right of the individual under such permit must be regarded as subordinate to the necessities or requirements of the public. The permit may be revoked when the space is required for municipal or other public purposes."

From time to time our City Councils have passed various ordinances relative to the construction of vaults by the owners of property abutting upon the public streets. The grant of permission, however, by the municipal authorities of a City to the owners of buildings abutting on the streets to build vaults under the street surface has been held to be without any of the elements of a contract and to be but a mere license revocable at the will of the municipality. Such permission when granted is always taken subject to the paramount right of the public in the streets, which public right, as has been shown, extends to the sub-soil as well as to the surface. Whenever the public interests are interfered with by the existence of such vaults or excavations, the right to maintain the same must terminate. The license under which they exist can then be revoked, and the licensed owner will not be entitled to compensation for the vault space of which he is

thus deprived, and which he has theretofore been in the enjoyment of by mere permission of the municipal authorities.

This doctrine is supported by many cases, among them:

Deshong *vs.* City of New York, 176 N. Y. 475;

Lincoln Safe Deposit Co. *vs.* City of New York, 96 App. Div. N. Y. Supreme Ct. 624;

Potter *vs.* Interborough Rapid Transit Co., 54 Miscellaneous Reports, N. Y. 423;

Winter *vs.* City Council of Mtgy., 83 Ala. 589; 93 Ala. 539.

I am therefore of opinion that when the City of Philadelphia is ready to commence this work it can revoke the licenses heretofore granted to abutting property owners for the construction of vaults, and that for street purposes, in constructing a subway for public travel, it can take the space theretofore occupied by such vaults without being liable to compensate the abutting property owner for the same. Full compensation will be deemed to have been made upon the original taking of the ground for street purposes.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 8, 1912.

Authority to transfer indigent insane from Philadelphia Hospital for the Insane to the State Hospital at Norristown.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of November 1st, asking whether the rules and regulations of the

Committee on Lunacy of the Board of Public Charities affect in any way the authority conferred upon you by Section 10 of the Act of May 5, 1876 (P. L. 123), to send to the State Hospital for the Insane at Norristown such indigent insane under your charge as you deem proper subjects.

The material part of Section 10 of this Act to which you have referred, reads as follows:

“The specially constituted authorities having the care and charge of the poor in the respective city and counties named in this Act shall have authority to send to this hospital such indigent insane under their charge as they may deem proper subjects and shall be generally chargeable with the expense” etc.

Inasmuch as under the law you have the care and charge of the poor in Philadelphia, this Act gives you authority to commit indigent insane persons to Norristown. The only section of the rules and regulations of the Committee on Lunacy of the Board of Public Charities, ordained on the fourth of November 1910, which might be thought to affect that right, is the 29th section, which in part provides as follows:

“Any person having the authority to order the discharge of any patient from any house or place, subject to the provisions of the Lunacy Law, may, with the previous consent according to form (M) of any two or the secretary and one member of the Committee on Lunacy, direct by an order, according to form (O), the transfer of such patient to any other such house or place.”

By this section the consent of two members of the Committee on Lunacy, or of the secretary and one member is required before an indigent insane patient may be transferred from one place, subject to the Lunacy Laws, to another such place.

The rules were ordained under and in pursuance to the Act of May 8, 1883, which created the Committee

on Lunacy and defined its powers. This Act, in Section 7, provides that:

“The Board shall have power from time to time, with the consent of the Chief Justice of the Supreme Court and the Attorney General, to ordain rules and regulations on the following matters *so far as the same are not inconsistent with any laws of this Commonwealth then in force and of any provisions in this Act.*”

By the third sub-division of this section of the Act the Board is given power to ordain rules and regulations with respect to *the form* to be observed in the commitment, transfer of custody, and discharge of lunatics other than those committed by order of a Court of record, as to whom the consent of the presiding Judge of the Court under whose order the person may be detained, is required.

It will be seen from the foregoing that the Board's power to make rules and regulations is limited to rules not inconsistent with the laws of the Commonwealth or the provisions of the Act. Section 10 of the Act of 1876, already referred to, gives you complete and exclusive authority to commit to the Hospital at Norristown such indigent insane under your charge as you may deem proper subjects for commitment. To the extent, therefore, that Section 29 of the Rules and Regulations of the Committee might in any way interfere with the authority thus conferred on you, by requiring the previous consent of two members of the Commission, or of one member and a secretary to the transfer of the indigent insane from the Philadelphia Hospital for the Insane to the Hospital at Norristown, it would be ineffective and void, being inconsistent with Section 10 of the Act of 1876. Moreover, your substantive authority to commit indigent insane to the Asylum at Norristown cannot be controlled by the rules and regulations of the Committee on Lunacy, which by the terms of the Act of 1883, are to be restricted to the forms to be observed in making transfers or commitments.

I am therefore of the opinion that Section 10 of the Act of May 5, 1876, authorizes you to transfer to the

State Institution at Norristown, indigent insane who are now in the Philadelphia Hospital for the Insane, and that the rules and regulations of the Committee on Lunacy of the Board of Public Charities, do not in any way conflict with or control the power thus conferred upon you by that Act.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 9, 1912.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—In your letter of October 24th last you ask whether the Pennsylvania Institution for the Instruction of the Blind can be assessed for paving in front of its property on Gross street, between Malvern and Woodbine avenues.

This Institution maintains a school for the instruction of the blind on the property in question. In selecting its beneficiaries, no discrimination is made as to race, sex, color or creed. About eighty per cent. of its pupils are nominated by the States of Pennsylvania, Delaware and New Jersey; the remainder are selected by the institution. The land and buildings were paid for wholly out of legacies and their accumulation. The State aid does not equal two-thirds of the cost of the State pupils. Less than five per cent. are pay pupils. The remainder of the expense is met by charitable gifts and legacies.

There can be no question that such an institution is a purely public charity under the statutes and decisions of this State. The taxing authorities have exempted its properties at Twentieth and Race streets and Overbrook from taxation as such from about 1836 to date.

Real estate owned and occupied by an institution of purely public charity is not assessable for street paving under Section 5 of the Act of June 4, 1901.

I am, therefore, of the opinion that this institution is not assessable for the paving on Gross street in question. A different question may arise as to paving before any of their ground south of Malvern street, for some of that may not be necessary for their charitable use.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 13, 1912.

Appropriation by Departmental instead of Bureau items.

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter of the 12th inst., asking whether it would be legal for Councils to make appropriations to your Department in general terms, or, as you state it, "by Departmental items instead of by Bureau items."

The principles of law applicable to this subject were stated at some length in the opinion of this Department sent you on December 20, 1911, to which I beg to refer you. Under those principles, I do not believe such general appropriations as those suggested by you in the printed form submitted with your inquiry could be sustained if the validity of such appropriations were subjected to the test of judicial scrutiny and determination.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 14, 1912.**Authority to arrest drivers of vehicles on sight who do not stop on signal from policemen.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Superintendent of Police, not bearing your approval, in which he inquires whether there is any authority for the arrest on sight, or by subsequent summons, of drivers of vehicles who do not bring them to a stop when signalled so to do by the policemen at congested intersections, such signal being given by blasts upon a whistle or by raising the hand.

I find no authority for legal procedure in such cases unless the person in charge of the vehicle actually obstructs the highway, in which event he might be liable to a penalty of \$5 under the ordinance of September 23, 1864, defining nuisances.

With respect to automobiles and the right of the City to regulate their speed, etc., I beg to refer you to an opinion of this Department, dated January 22, 1912, and sent to his Honor, the Mayor.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 14, 1912.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—Under date of November 8, 1912, I have received from George S. Webster, Chief Engineer of the Bureau of Surveys, a letter setting forth that:

"An ordinance, approved June 26, 1912, authorizing the vacation of a portion of Dyott street, from Norris street to Richmond street, provides that a bond be filed by the William Cramp & Sons Ship and Engine Building Company releasing the City from damages by reason of the said vacation,"

and asking me, as City Solicitor, to "prepare the bond required and, upon its execution, certify the fact to this Bureau."

Accompanying this letter is the letter from the Bureau of Surveys to the Director of the Department of Public Works upon the same subject.

Permit me to call your attention to some facts which I think you ought to know. Dyott street, from Beach to Richmond street, was opened under ordinance of April 3, 1894. The petition was filed on April 8, 1896. The award of the jury was filed on May 17, 1898, and on February 2, 1900, the City paid for the opening of this portion of Dyott street \$69,257.

Dyott street, from Norris to Beach street, was opened under the same ordinance. The petition was filed May 1, 1901. The jury filed its report on February 20, 1902, and \$19,000 was paid to one claimant on April 1, 1902, and \$27,500 was paid to another claimant on February 25, 1904. The total amount of damages, therefore, paid by the City of Philadelphia for the opening of Dyott street, from Norris street to Beach street—a distance of two blocks, and a distance of about 1,000 feet—was \$115,757. Under this new ordinance, which was approved June 22, 1912, Dyott street is to be reduced in width by 18 feet for a distance of 768 feet in length, and there is to be no compensation of any kind paid to the City of Philadelphia. If it cost us \$115,000 to open and widen it, and the last money was paid in 1904, ought you not make some particular inquiry as to why it is narrowed now, and, if narrowed, should not whoever is to be benefited pay to the City something for the ground taken? Why should the City make a present of 13,824 square feet of ground?

I respectfully submit this to you for investigation, for I have nothing before me excepting the record facts, and there may be most excellent reasons of which I am in ignorance.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 18, 1912.

Responsibility of City for care of meadow banks.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys with respect to the responsibility of the City for the care of the meadow banks.

In the case of *Betham vs. City of Philadelphia*, decided in 1900, and reported in 196 Pa. 302, it was held by the Supreme Court that the City was under no liability with respect to these structures. The Court, however, in the course of its opinion (p. 308) said:

“No duty has been imposed by statute upon the City of Philadelphia to either protect the land of plaintiff and the meadow lands, of which it formed a part, from the overflow of the river, or to drain the low-lying ground. If such duty had been imposed, and the injuries suffered by plaintiff were due to a neglect to properly discharge it, the City undoubtedly would be liable. When a legal duty has been imposed by statute upon a municipal corporation it is undoubtedly liable for injuries resulting from the neglect of that duty; in such case it

stands on the same footing in respect to negligence as a purely private corporation or an individual: *Erie City vs. Schwingle*, 22 Pa. 388; *Dillon, Mun. Corp.*, Sections 961-965."

Since the date of that decision the Act of June 9, 1911 (P. L. 834), has been passed authorizing Meadow Companies to surrender their franchises and providing that "immediately thereupon all of the duties heretofore performed by such companies shall devolve upon the respective cities or counties within which the lands lie which had been theretofore within the jurisdiction of such Meadow Companies."

The duties which were originally placed upon the Meadow Companies were created by numerous Acts of Assembly passed between 1760 and 1893. It is unnecessary to refer to these Acts severally, but the duties so imposed were generally to construct, maintain and keep in repair the dams or banks, sluices and flood-gates, and dig the ditches, etc., necessary to prevent the low-lying land in Philadelphia and some of the adjacent counties from overflow. For these purposes the companies were authorized to levy taxes, etc.

Under the Act of 1911 the duties thus placed upon the Meadow Bank Companies have been removed from such of them as have surrendered, or may surrender, their charters or franchises, and have been put upon the cities or counties within which the lands lie which had been theretofore within the jurisdiction of the respective Meadow Companies.

As is seen from the above excerpt from the case of *Betham vs. Philadelphia*, in view of the statutory liability now resting upon the City where the Meadow Company in charge of any particular bank has surrendered its charter, the City would probably be held responsible for damages resulting from negligence upon its part in the care of or failure to care for such banks and other structures.

Which of the Meadow Bank Companies have sur-

rendered their franchises may readily be learned by inquiry of the Secretary of the Commonwealth at Harrisburg.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 18, 1912.

In re ordinance opening southeast side Frankford avenue, from 40 feet southwest of Meadow street to Paul street.

CYRUS D. FOSS, JR., Esq.,
Secretary to the Mayor.

MY DEAR SIR:—I am in receipt of your favor of the 16th inst., asking for an opinion relative to "Common Council Appendix No. 30, to authorize the opening of the southeast side of Frankford avenue to its full width, from a point about 40 feet southwest of Meadow street to Paul street."

I referred the matter to Mr. Faries, in charge of the Road Bureau, who has reported to me as follows:

"When this ordinance was introduced in Councils, September, 1912, it read: 'To authorize the opening of the southwest side of Frankford avenue to its full width, from a point about 40 feet southward of Meadow street to Oxford avenue.' I wrote you under date of October 16 as follows:

" 'This street is physically opened 60 feet wide, but is on the plan 70 feet wide, and new buildings have had to conform to the increased width. The proposed widening would be in the center of a built up section of Frankford and would involve half a dozen properties, entailing ex-

pense which is not warranted. The ordinance should not be passed.'

"The ordinance as passed, which was evidently amended in Committee, reads: 'To authorize the opening of the southeast side of Frankford avenue to its full width, from a point about 40 feet southwest of Meadow street to Paul street.'

"The same objection exists to this ordinance as to a number of properties would be taken in the widening, and the expense is not warranted.

"The ordinance should not be passed, and if passed, should be vetoed."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 19, 1912.

Liability to license charges for wires installed along the line of the Philadelphia and Reading Elevated.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of a letter from the Chief of the Electrical Bureau, approved by you, with respect to the installation by the Philadelphia and Reading Railway Company upon their elevated tracks of certain wires to be employed by them for the operation of their electrical signals, etc.

The inquiries are whether such wires come within the supervision of the Electrical Bureau; whether it is necessary for that company to secure a permit for their installation, and whether it is subject to the license charges provided by the ordinance of March 30, 1883.

It is suggested in the letter of the Chief of the Bureau that perhaps these wires may be considered underground wires, inasmuch as they are to be installed in conduits placed under the level of the elevated roadbed. I do not think they can in any sense be regarded as underground wires. They are elevated above the public highway—that is, the street level—and are not to be buried in the earth, as are underground wires.

The ordinance of July 1, 1908, to which the letter refers, provides, in Section 2, that the supervision of the Electrical Bureau shall extend to the laying or placing of wires in, through, under or over the streets, lanes and alleys of the City, and to the location of all poles, posts or electrical appliances of every kind appurtenant thereto or connected therewith. Under this section of the ordinance the Electrical Bureau would have the right of supervision of the wires in question in so far as they may be located over the streets, either where the elevated railway intersects such streets or where it is laid longitudinally along any street, assuming that the wires follow the course of the railway at such places.

Section 3 of that ordinance requires permits to be issued for the introduction of electrical connections into “houses, stores or other buildings,” or for the repair of such connections. I do not think that the elevated roadbed of the railway is to be included in these words—that is to say, it is not a “house, store or other building,” within the meaning of the ordinance.

The license charges under the ordinance of March 30, 1883 (as modified by ordinance of May 18, 1885), are provided for in Section 7 of the earlier ordinances, different charges being imposed for wires or conductors placed underground, and for those “suspended above ground.” As already seen, these wires are not “placed underground,” and hence are not subject to the charges made for that class of wires. They would seem also not to come within the language making a charge for wires suspended above ground. If I correctly understand the proposed method of placing these wires, they are to be installed in closed conduits firmly attached to the under

surface of the elevated road. This is not a suspension of the wires, which term, as used in the ordinance of 1883, I take it, applies to wires hanging from pole to pole, or running from one pole to another. For these reasons the wires are not subject to the charges fixed in Section 7 of that ordinance.

Very truly yours,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 19, 1912.

In re delinquent accounts—Bureau of Elevator Inspection.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of letter of the 14th inst. from the Chief of the Bureau of Elevator Inspection, approved by you, asking the following questions:

“1. Is it within the power of the Bureau to liquidate any delinquent accounts by submitting statements of same to those affected, or should this matter pass into the hands of the City Solicitor’s office at the close of any current year?

“2. Who shall arrange the terms of settlement of these accounts, or must they be paid in full?

“3. Does any ordinance or Act of Assembly governing the Bureau give the Chief the right to close down an elevator installation for the non-payment of an inspection bill?”

1. The delinquent accounts referred to, I assume, are of the fees for inspection and certificates required by Section 4 of the ordinance of April 15, 1908, for it is to be supposed that the permit fees for erection, etc., of

elevators, as provided by Section 8 of that ordinance, will be exacted before the permits are issued.

Section 4 of the ordinance of 1908, in fixing the fees for the inspection of elevators and certificates thereof, provides that:

“These fees shall be collected as fees for inspection are now collected in the Bureau of Boiler Inspection.”

I do not know what practical method is pursued in the Bureau of Boiler Inspection, but the legislation, by statute and ordinance, with respect to that Bureau, while fixing certain fees for inspection of boilers, does not provide any particular method of collection. I would say that delinquent accounts in the Bureau of Elevator Inspection should be collected by sending bills, letters, or in such other manner as may be deemed proper by the Chief of the Bureau, and if these efforts prove ineffective, the accounts should be turned over to the Law Department for suit—not necessarily at the close of any current year, but whenever, in the judgment of the Chief of the Bureau, that official is satisfied that they cannot be collected otherwise than by legal methods.

2. The fees required by the ordinance to be paid should be paid in full. No authority is given to permit any abatement thereof.

3. I find nothing in any ordinance or Act of Assembly giving the Chief of the Bureau the right to close an elevator installation for non-payment of an inspection bill already incurred, but he may refuse to give the required certificate unless the fee be paid, in which event the elevator cannot legally be operated until the certificate shall be granted.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 20, 1912.

Interpretation of ordinance requiring payment for each attachment to City poles.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety,

DEAR SIR:—I am in receipt of a letter of the 15th inst., from the Chief of the Electrical Bureau, approved by you, with respect to the charge of 50 cents for each attachment to City poles, which is prescribed by ordinance of December 21, 1880. The inquiry is whether a certain device appearing upon the sketch submitted with the letter is to be regarded as one attachment or two within the meaning of that ordinance. The wire is shown in said sketch as attached to a piece of timber fixed at right angles to another timber extending from the pole, the wire being attached at two places to insulators and extending downward therefrom to each side of a lamp at the lower extremity of the wires. Another sketch shows a wire attached by one insulator only to an arm extending from the pole, and this is stated to be counted as one attachment. I gather that the two devices are mechanical equivalents, the wire as shown in the first sketch described being broken only for the purpose of a more convenient arrangement.

It would appear from this that, while there are two insulators, yet they together form parts of only one attachment. The Chief of the Bureau further states that he has been informed by the company's representative that it has been customary in the past to count this arrangement as one attachment.

If there has been an uninterrupted usage for 30 years or more in the interpretation of this ordinance, I think that usage should continue to be conformed to, unless there is a clear reason to deviate from it, and I would suggest, therefore, that the statement of the company's represen-

tative be inquired into, and if it be verified, not only that the company has regarded the arrangement as one attachment, but that this has been accepted by the City since the date of the passage of the ordinance, or from about that date, then, in connection with the other considerations first above suggested, I am of opinion that you would be justified in charging the company in such instances for one connection and not for two.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 20, 1912.

*In re advertising and bidding—installation of gas lamps
by United Gas Improvement Co.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 18th inst., stating that you are entering into an arrangement with the United Gas Improvement Company to instal 700 gas lamps along the lines of their mains in places now occupied by gasoline lamps, and inquiring whether you “will have to make this go through the form of advertising and receiving bids.”

The purpose of requiring bids for municipal supplies, etc., is to give the City the benefit of competition among bidders and to prevent favoritism or corruption in the giving out of contracts. Where the thing to be supplied can be had only from one source, therefore, as, for instance, where it is protected by letters patent and cannot be bought in the open market, or where from any other cause there is a monopoly in the commodity, it is held that the reason for public bidding ceases and hence that advertisement for such bids is not required. (Silsby Mfg.

Co. vs. Allentown, 153 Pa. 319.) This doctrine applies in the present instance. No other seller could possibly supply illuminating gas along the mains of the U. G. I. Co., and whether that lighting medium or gasoline lamps shall be used is a matter resting in the discretion of the head of your Department, where not controlled by ordinance, and, therefore, it is unnecessary to submit the matter to competition between that company and bidders to supply gasoline lighting.

I am accordingly of opinion that it will not be necessary to "go through the form of advertising and receiving bids."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 20, 1912.

*Water rent charged, property owned by Philadelphia
Rapid Transit Company.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received the letter of the Chief of the Bureau of Water of the 16th inst., approved by you, stating that the Philadelphia Rapid Transit Company has installed water meters in 136 properties belonging to it, and inquiring:

"a. Whether I can notify the Receiver of Taxes to charge schedule rating on these properties from January 1, 1912, to the time meters were installed.

"b. Can bills for the balance of the year be properly rendered on a meter rate?

"c. Can the penalty which has accrued since May 31, 1912, be remitted?"

The ordinance of July 13, 1912, repealed the ordinance of June 27, 1904, which prohibited the placing of water meters in premises within the City of Philadelphia, and repealed so much of the ordinance of July 27, 1901, as was inconsistent therewith. By the repeal of the ordinance of 1904, those portions of the ordinance of July 27, 1901, which had been repealed, were revived. That ordinance provided, in Section 2, that the Director of Public Works was thereby authorized to place meters in all premises where City water is consumed, when formally requested by the owner or owners thereof, or upon any premises except private dwellings where an excess of water was used beyond that charged for by fixture or ferrule rate. It further provided minimum charges at meter rates according to the size of the ferrule, and, in Section 5, it was further provided that all meter rates should be paid quarterly.

The ordinance of July 9, 1897, page 151, fixed methods in which various disputed questions in regard to charges for water rent might be adjusted. As in cases where the property has been destroyed by fire, or torn down during the current year, where ferrules have been withdrawn for delinquency, where permits have been taken out in error, where the source of supply is both public and private, where there is an alleged non-use of any existing appliance, where buildings are unoccupied for the entire preceding year, and where water takers have omitted to decline, within the time stated in existing ordinances, any appliances they may desire to discontinue the use of for the succeeding year; and it is finally provided that "all claims not fully met by the foregoing are to be adjusted by the Department in such manner as it may deem just and equitable."

In consideration of the provisions of these ordinances, I see no reason why an adjustment of the question at issue between the Water Bureau and the Philadelphia Rapid Transit Company might not properly be made by charging that company upon the schedule rating up to the time of the installation of the meters and at the meter rating for the balance of the current year—of course, rendering bills accordingly.

With respect to the penalty, if the delay in paying the water rent had been occasioned by the pendency of this dispute, it would perhaps be equitable that the penalty should be remitted, but as the penalty accrued for non-payment of the water rent by May 31st of this year, and the ordinance repealing the ordinance of June 27, 1904, was not passed until July 13, 1912, I do not see why the penalties should be remitted. If any reason therefor exists, it is not disclosed in the letter of the Chief of the Bureau.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 22, 1912.

Legality of payment of bills for Water Conservation Exhibit.

ARTHUR H. MORROW, ESQ.,

Secretary, Finance Committee of Councils.

DEAR SIR:—I am in receipt of your letter of November 21st, enclosing copies of two ordinances for the transfer of funds to pay bills incurred in connection with the Water Conservation Exhibit, and to authorize the drawing and countersigning of warrants in payment of the wages of mechanics and laborers engaged therein.

With respect to these proposed ordinances, you say "that for the information of this Committee, will you please state whether the Director was within his rights when he incurred these bills, and whether Councils legally can pass them."

I find no previous appropriation under which the money of the City could be expended for the purpose of a Water Conservation Exhibit, and therefore the Director of the Department of Public Works was within his rights in

incurring such bills only in the sense that their payment was not obligatory upon the City, but was subject to the future action of Councils.

I am of opinion that Councils may legally pass the bills by a two-third vote of each body, the signature of the Mayor being necessary to their taking legal effect. This is in accordance with Section 5 of the Act of May 23, 1874 (P. L. 232), which provides that "no ordinance shall be passed except by a two-third vote of both Councils and approved by the Mayor, giving any extra compensation to any public officer, servant, employee, agent or contractor after services shall have been rendered or contract made, nor providing for the payment of any claim against the City without previous authority of law."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 25, 1912.

In re erection of fire escapes.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your favor of the 21st inst., inquiring as to the progress being made in the matter of the complaints forwarded to this Department against property owners for failure to erect fire escapes.

I referred your letter to Mr. Rowland C. Evans, the assistant in charge of these matters, and he has reported to me that many of these complaints referred to three story houses; that in some of the cases changes have been made in the uses to which the houses are devoted, and that in other cases it has been reported by the parties that fire escapes have been already erected.

Mr. Evans states that on October 28 last a conference which considered this subject was had at the office of the Mayor, there being present his Honor, the Mayor; Director of Public Safety Porter, Director of Health and Charities Neff, Chief of the Tenement Division Buchholtz, Chief of Building Inspection Clark, Chairman of the Philadelphia Housing Commission Newman, and Assistant City Solicitor Evans, and that it was the consensus of opinion of those so conferring that three story houses, excepting under special conditions, could not well be deemed to be within the purview of a properly drawn fire escape law; that prosecutions should be had only in those cases where the conditions demanded that such proceeding should be had in order to secure needed safety, and not where the prosecution would result merely in unnecessary annoyance and expense to the citizen without gain to the public advantage, and further, that new legislation bearing upon the subject should be secured, if possible, at the next ensuing session of the Legislature.

Carrying out the ideas expressed at this conference, Mr. Evans has carefully gone over all the cases of alleged violation of the fire escape law returned to this Department, and has selected 82 flagrant cases for prosecution, which are now being proceeded with. The remaining cases have been referred back to the Fire Marshal with the request that re-inspections be had to ascertain where fire escapes have been already erected, as reported by the parties, and to ascertain where there have been any such changes in the house uses as to render the fire escape law no longer applicable.

Trusting that this report may serve to satisfactorily explain to you the situation as to these matters, and awaiting your further communication, I remain.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 26, 1912.

Repairs draw bridge, Penrose Ferry.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—A letter of the Chief of the Bureau of Highways, approved by the Assistant Director of your Department, is duly to hand, stating that by reason of certain repairs to be made to the operating machinery of the draw bridge at Penrose Ferry, it will be necessary to turn the bridge up and down the river for a number of days, during which time it will, of course, not be available for traffic, and inquiring with respect to the City's duty to maintain transportation facilities for passengers carried by the Philadelphia Railway Company, the successor to the Southwestern Street Railway Company, while the bridge is thus rendered unavailable.

The ordinance of January 17, 1898, conferred upon the Southwestern Street Railway Company the privilege of crossing the Penrose Ferry Bridge. It also devolved upon that company the duty of maintaining and keeping in good order at all times, whether paved, macadamized or unimproved, all streets, avenues or roads traversed by its line of railway or by its trolley system. This obligation extends to the bridge at Penrose Ferry, which is a part of the company's route, and the Philadelphia Railway Company, in succeeding to the privileges of its predecessor, did so subject to the duties and obligations imposed upon the latter.

If it is necessary for the purpose of making repairs to withdraw the bridge from service temporarily, the City is not obliged to refrain from doing so or to provide other transportation facilities for passengers carried by the Trolley Company during the interval. The work should be done, however, with proper consideration for the interests of the Railway Company, and should there-

fore be prosecuted with as great dispatch as is possible; and sufficient previous notice might be given to the company to enable it to adjust its business to the change in conditions while the bridge is in process of repair.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 26, 1912.

McHugh contract for 1912, repairs to footways over pipes, conduits, etc.—Keystone Telephone Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I have received from the Chief of the Bureau of Highways a letter, approved by the Assistant Director of your Department, with respect to the annual contract for 1912 with J. Joseph McHugh for making repairs to footways over pipes, conduits and connections, and for other municipal purposes, as required by the Bureau of Highways during the year 1912.

The Chief of the Bureau states that the question has been raised whether the payment for this work by the City, as provided for in said contract, is not in conflict with the ordinance of February 11, 1889, page 12, and the opinions of former City Solicitor Warwick, August 2, 1889, page 31, and June 4, 1890, page 26.

The contract with Mr. McHugh is, as stated above, for repairs to footways over pipes, etc., for the Bureau of Highways—that is to say, where for any purpose the City has required breaks to be made in the highway over pipes, connections, etc., the contract provides for the repaving at the City's expense. The ordinance and opinions mentioned relate to the ordinary repairs to the footway, which become necessary through wear and the lapse of time. The

duty to make such repairs rests on the property owner, but this is wholly distinct from the duty to repave over a trench made by the City for its own purpose. Such an expense could not be charged to the property owner, and it is quite proper that the City itself should bear the cost of such repaving.

The Chief of the Bureau also inquires whether it is possible to force the Keystone Telephone Company to make maintenance repairs to the footways, as, for instance, where it has originally repaved over a conduit laid by it and the paving so laid has subsequently settled.

I am of opinion that the company in question could and should be required to maintain such repaving done by it for a reasonable time, irrespective of whether this is specifically mentioned in the ordinance conferring privileges upon it. If necessary to assure this end, a provision should be inserted in the permits, which it must procure in order to open the sidewalk, requiring that it not only repave the opening so made, but that it will maintain such repaving in good condition.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 26, 1912.

Assessment against Whitehall Commons.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of the 19th inst. from the Chief of the Bureau of Surveys, approved by you, inquiring whether the Whitehall Commons frontage upon Worth street is assessable for municipal improvements so that a lien may be filed against it for a sewer laid on that street.

It appears that this property was authorized to be placed upon the City plan for park purposes by an ordinance approved March 25, 1907, and was confirmed by the Board of Surveyors on July 1st of that year. By ordinance of June 27, 1912, it was selected and appropriated for park purposes, the City Solicitor being directed to file a petition on behalf of the City for the appointment of a jury to assess damages. In the meantime a mandamus requiring that Whitehall Commons be struck from the City plan was allowed in Court of Common Pleas No. 2 of this county. There has been no absolute taking of the property by the City as yet. Should proceedings be prosecuted as directed by the ordinance, the taking would relate back to the date thereof, and, while the passage of the ordinance itself gives to the owner the right to compensation and to proceed at once for its liquidation and recovery, yet the matter is not finally concluded, nor does the title pass from the former owner to the City until either possession be taken by the latter or a definitive judgment be had fixing and awarding the damages. Until either one or the other of these steps be taken, the City might, by a repealing ordinance, abandon the proceedings, being liable in that case only for expenses and costs incurred by the owner of the property but not for its value.

Therefore, as the title to the property remains with the owner and has not passed to the City, a lien may be filed against the property for its shares of the cost of the sewer constructed in the street upon which it abuts. Should the ordinance of June 27, 1912, be repealed, such lien would, of course, remain against the property, but should the proceedings be conducted to a definite conclusion, it is probable that, since the taking by the City would refer back to the date of the ordinance, the lien would be without further validity and should be stricken off.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 29, 1912.

Collection and imposition of penalties for breach of ordinances.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter from the Assistant Director of your Department, asking advice as to how the penalties for breach of ordinances can be imposed and collected as against persons fined by magistrates for throwing or spilling ashes, dirt, rubbish or garbage upon the highways, and enclosing memoranda from which it appears that when such fines are imposed and not paid the offenders are discharged without further proceedings.

I would call your attention to the Act of April 20, 1905, P. L. 227, which makes it unlawful to

“throw waste paper, sweepings, ashes, household waste, nails or rubbish of any kind into any street in any city, borough or township in this Commonwealth, or to interfere with, scatter or distribute the contents of any receptacle or receptacles containing ashes, garbage, household waste or rubbish, which shall be placed upon any said paved street or sidewalks for the collection of the contents thereof.”

The Act further provides:

That any person convicted of violation of its provisions before any magistrate may be sentenced to pay the cost of prosecution and a fine not exceeding \$10 for each offence; “and in default of the payment thereof shall be committed and imprisoned in the county jail of the proper county for a period not exceeding ten days.”

I believe the provisions of this Act are broad enough to cover the offence concerning which inquiry is made,

and if you will communicate with this Department, or, in cases of emergency, directly with Assistant City Solicitor Herman Muller, when prosecutions under this Act are contemplated, he will endeavor to convince the magistrates of their right and duty to enforce the provisions of the Act.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 29, 1912.

Construction of ordinance as to keeping of hogs and swine.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—In reply to your inquiry of this date, whether the word "above," in Section 1, Paragraph 5, of the ordinance of June 24, 1912, relating to hogs and swine, refers to the described territory in Paragraph 5 alone, or to the described territory in all the paragraphs in Section 1, I am of opinion that the word refers to the described territory in all the paragraphs of Section 1.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 29, 1912.**Draft of ordinance regulating the use of streets for placing building materials thereon.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—As requested by the Assistant Director of your Department, I herewith return the revised draft of an ordinance regulating the use of streets for placing building materials thereon, etc., which was sent me with a request for an opinion whether there is any conflict between it and the requirements of any Act of Assembly regulating the use of public highways.

I find nothing in this ordinance which in any way interferes with the provisions of any statute upon the subject. There is a possibility that the authorization to close highways to public travel, contained in Section 2, might be construed as not coming within the present title, and I would suggest adding to the title some such phrase as “authorizing the closing to public travel of footways or roadways in certain cases,” this to follow “obstructions” and precede “etc.”

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 30, 1912.**In re exchange of property with Bell Telephone Company.*

JOHN P. CONNOLLY, Esq.,

Chairman, Finance Committee
of Select and Common Councils.

DEAR SIR:—In reference to the ordinance recently introduced to authorize the City to enter into an agree-

ment with the Bell Telephone Company for the exchange of properties at Seventeenth and Arch streets, I beg to call to the attention of your Committee the provision of Section 3 that the City agrees to convey to the company a good and marketable title in fee simple.

The Title Companies will, in all probability, in view of the proposed manner of acquisition of the property by the City, except the marketability of title from their policies. It would therefore, perhaps, be advisable to have the ordinance amended before final passage so that the City will agree to convey all the right, title and interest which it may acquire in the premises, in lieu of the provision to convey a marketable title in fee simple. I may also say in this connection that it is a matter of some doubt whether the City may constitutionally acquire property for resale, as provided in the Act of Assembly of June 8, 1907, a question which I understand is likely soon to become the subject of litigation.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 3, 1912.

*Right of City to open streets through the grounds of the
Pennsylvania Hospital for the Insane.*

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council,

DEAR SIR:—I am in receipt of your letter enclosing copy of a resolution of the Select and Common Councils, requesting an opinion from this Department as to the proper proceeding to compel the Pennsylvania Hospital for the Insane to open streets through its grounds.

By Act of April 17, 1854, it was provided that no streets, alleys, roads or lanes should ever be opened through the property belonging to the Pennsylvania Hospital without its consent, so long as the said property might be used for the purpose of its Insane Department, any law to the contrary notwithstanding.

In the case of *In re Twenty-second street*, 102 Pa. 108, it was decided that a similar statutory provision with respect to a cemetery was ineffective to prevent the opening of streets by the City through the cemetery, in view of the Act of May 23, 1874 (P. L. 235), and the subsequent Act of June 8, 1881 (P. L. 68), declaring the meaning of the Act of 1874, whereby the municipal authorities and Courts having jurisdiction in any city of this Commonwealth are given "exclusive control and direction of the opening, widening, narrowing, vacating and changing grades of all streets, alleys and highways within the limits of such city, and may open or widen streets at such points and of such widths as may be deemed necessary by such city authorities and Courts, any private or special contract to the contrary notwithstanding, proceedings to be had in such cases as are now required by law."

It was held in the case referred to that the special privilege conferred by the statute, providing that no streets should be laid out through the cemetery without its consent, was subject to the right of eminent domain, and that the Act of 1881 rescinding that privilege was therefore constitutional, the claim to compensation for the exemption thus taken away being a proper equivalent therefor. Under the authority of that decision the City has the right and power to open streets through the grounds of the Pennsylvania Hospital for the Insane whenever the public requirements may be thought to make it desirable that this be done, notwithstanding the above mentioned Act of April 17, 1854.

The method to be pursued is the usual one—that is to say, the streets to be opened should first be placed upon the City plan by appropriate action, and thereafter upon direction of Councils by ordinance, as in other cases, the

streets may be opened and the necessary proceedings inaugurated for fixing the damages, if any, which may result from such opening.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by you, inquiring whether he should refuse to issue an order for a warrant for work completed by C. A. Conan, a contractor with the City, because of the filing of a bill in equity against Mr. Conan by one William A. Ryan, who claims that Conan was acting as his agent in bidding for the work, and that he (Ryan) should therefore be entitled to the benefit of the contract with the City, and asking for the appointment of a receiver of the money due under the contract. Counsel for Mr. Ryan has notified him "not to countersign any more warrants or pay any money to Conan pending the determination of his application for a receiver."

The application in this case for a preliminary injunction was heard in Court of Common Pleas No. 5, which Court refused the application therefor, and did not appoint a receiver, leaving the suit in equity to take its regular course. No injunction has been issued against either Conan or the City, the latter, indeed, not being a party to the bill in equity.

In view of these facts, I would advise you to continue

issuing the orders for warrants to Mr. Conan for work done under the contract until you shall be enjoined by an order or decree of the Court from so doing.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1912.

A. R. H. MORROW, Esq.,
Secretary, Committee on Finance,
Select and Common Councils.

DEAR SIR:—I am in receipt of your notification of the 3d inst. of a hearing to be held by the Finance Committee at 1.30 to-day to consider a bill entitled:

“An Ordinance to authorize the City of Philadelphia to enter into a certain agreement with the Bell Telephone Company of Pennsylvania, relating to the acquisition by the City of certain real estate for Parkway purposes, and for the sale by the City of Philadelphia to the Bell Telephone Company of Pennsylvania of certain real estate adjacent to said Parkway,”

at which this Department is invited to be represented.

I have already written to the Chairman of the Finance Committee in reference to this proposed ordinance. The agreement which it embodies was not prepared by the Law Department. The attention of this Department was first called to the ordinance on the day of, and but a few hours before, its introduction into Councils, for the purpose of passing upon the form thereof.

As already stated in the communication to the Chairman of the Finance Committee, the provision that the City is to agree to convey “a good and marketable title in fee simple” to the property to be acquired by it should

be modified. If the City should acquire the property by purchase, there would be no difficulty in the transfer by it of a good and marketable fee simple title, but, if the acquisition by the City is to be by condemnation proceedings, its ability to convey a marketable title in fee simple will be subject to grave question, because there is at once presented the feature of the Municipality endeavoring, under the right of eminent domain, to take the property of one citizen for the purpose of bestowing it upon another citizen under the form of sale or exchange—a thing that, it may be urged, was never intended to happen under any rightful exercise of this high power of eminent domain. Moreover, the title, which is usually acquired by the City by process of condemnation, is not a fee simple title, but is defeasible upon the cessation of the user of the condemned property for public purposes. It is possible that, under the Act of 1907, wider powers may be held by the courts to have been conferred upon the Municipality, but this is open to doubt, and I believe it unlikely that any of the Title Companies of this City would be willing to issue a policy to the purchaser from the City guaranteeing a good and marketable title in fee simple to the property acquired in this manner.

As to the constitutionality of the provision of Section 2 of the Act of 1907, for the reasons stated, the question is not entirely free from uncertainty. Whether the provisions of that section can be sustained in any instance, and whether the restrictions which are proposed under the present ordinance to be placed upon the property are of a character to justify the exercise of the power of eminent domain, are questions which it would be rash to answer categorically in advance of a judicial interpretation of the statute.

Should the ordinance be passed, it will be the duty of this Department to endeavor to sustain the power sought to be given to the City by the Act of Assembly, and this duty will, of course, be willingly and cheerfully performed.

As already stated in the letter to the Chairman of the Finance Committee, I have been informed that resort

will be had to litigation involving these questions, under which it is probable that the whole subject will be judicially investigated and determined.

If your Committee desires information at further length in this matter and will so indicate to me, I shall be glad to furnish it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1912.

Purchase and improvement of Penn Treaty Park.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries,

MY DEAR SIR:—Your letter of the 3d inst. has been received, and in reply thereto I beg to say that, since the receipt of your communication of the 18th ult. and the subsequent conference with you at this office, I have given careful consideration to the proposed plan mentioned by you for the purchase by the City of what is known as the "Neafie & Levy" or "Penn Treaty Park" property on Beach street, between Palmer street and Columbia avenue, for \$400,000, for its development with "a modern double deck pier and market sheds," at an additional expense of \$400,000, and for a lease thereof "at a yearly rental of six and a half per cent. on the cost of the property and improvements." The project itself seems to be an admirable one.

Your purpose, however, in submitting the matter to me is to ascertain whether the facts involved permit of the framing of a "test case" to be submitted to the Courts for a judicial decision upon the powers of the City under the recent amendment to Section 8, Article IX, of the State Constitution.

It is, of course, desirable to have such a judicial ruling at as early a date as may be practicable, and I very much regret that the matter you present does not, in the facts involved, permit of a suitable "test case" being presented to the Court.

It is true that you are ready to estimate and certify that, in your opinion, the contemplated improvement to be thus undertaken and owned by the City will yield to the City "current net revenue in excess of the interest on said debt or debts, and of the annual installments for the cancellation of said debt or debts," and that your estimate will have the desirable feature of a specific agreement to lease as a substantive thing upon which to base it. The fact remains, however, that the total amount involved in such purchase and improvements is \$800,000, a sum well within the present borrowing capacity of the City under the seven per centum limitation.

The provision of the Constitutional amendment is that "any debt or debts hereinafter incurred * * * * for the construction and development of subways for transit purposes or for the construction of wharves and docks * * * * and which shall yield to the County and City of Philadelphia current net revenue in excess of the interest on said debt or debts and of the annual installments for the cancellation of said debt or debts, *may be excluded in ascertaining the power of the City and County of Philadelphia to become otherwise indebted.*"

Until a point be reached involving an "ascertainment of the power of the City and County of Philadelphia to become otherwise indebted," the rights of the Municipality as to incurring indebtedness for the public improvements referred to in the Constitutional amendment and which "may be excluded" cannot well be taken under consideration by the Courts and judicially ruled upon.

As you are doubtless aware, under date of September 24th last, I gave to the Chairman of the Sub-Committee on Finance of City Councils an official opinion holding that in determining the borrowing capacity of the City there should be added to the amount reported by the City

Controller \$7,086,881.83, the net amount of the school loan, less the Sinking Fund applicable thereto, viz.: \$6,978,080.89, which, by Section 120 of the Act of May 18, 1911, is transferred from the City to the School District of Philadelphia.

The City is fully committed to this view of the law, which leaves a margin of \$7,000,000 additional borrowing capacity after the negotiation of the loan of \$7,000,000 authorized by the people at the recent election of November 5, 1912.

The School District of Philadelphia has already, by formal resolution of October 8, 1912, recognized and acknowledged the said sum of \$6,978,080.89 "as the net amount of the debt of the City of Philadelphia to which the said School District has succeeded, and which is obligated to be assumed by it by and in accordance with the directions of the said Act of Assembly," and to enable a judicial decision to be had in this matter, there is now before City Councils (Appendix 56, Journal of Common Council, 1912, page 181) a resolution requesting the City Controller "in computing, stating and certifying the debt of the City of Philadelphia, as required by and for the purposes of the Act of Assembly approved April 20, 1874, and its supplements and amendments, or for any other purposes, to deduct from such City debt, among the other deductions required by law, the foregoing net sum of \$6,978,080.89 cents in fixing and determining the net debt of the City."

You will readily understand that, having taken such position as to the legal effect of the transfer of the school debt, the City cannot now, in the "test case" suggested, urge that the creation of an indebtedness of \$800,000 for the purchase and improvement of the "Penn Treaty Park" property exceeds the borrowing capacity of the City under the seven per cent. limitation.

I had hoped that the report of Transit Commissioner Taylor, relative to the construction of the subway and other improvements in transit facilities, would be forthcoming at an early date, with a statement indicating such contemplated expenditures and such estimate of revenue

that a proper "test case" could be had for a prompt judicial ruling, and it is with sincere regret that I now learn from your last letter that the Transit Commissioner has stated to you "that it would be the latter part of next year, at the earliest, before he could have any transit proposition in shape for submission to a Court, and that when he did get a transit proposition in shape, he did not believe that he would be able to certify or estimate that the subway would pay six and a half per cent. on cost from the start."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1912.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to your inquiry whether the City could engage in the business of dealing in ice under its power to sell water, I fear that this proposition would not be seriously entertained if the question were submitted for legal decision.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1912.

CYRUS D. FOSS, JR., Esq.,

Secretary to the Mayor,

DEAR SIR:—Your letter of the 3d inst., in which you ask that I give the Mayor my opinion as to the advisability of placing on the City plan:

"Bouvier street, from Ontario street northward 250 feet to dead end. Introduced June 27, 1912.

"Franklin street, from Tasker to Mountain street. Introduced September 19, 1912.

"Herbert street, from Salem to Cedar street. Introduced September 19, 1912. Re-introduced September 26, 1912.

"Mountain street, from Eighth to Beulah street. Introduced September 19, 1912,

"Peach and Ruby streets, from Warrington avenue to Florence avenue. Introduced October 17, 1912.

"Retta street, from Rochelle avenue to the Park line. Introduced September 19, 1912.

"Rockland street, from Belfield avenue to Sixteenth street. Introduced September 19, 1912.

"Salem street, from Foulkrod street to southwest side of the proposed Herbert street. Introduced September 26, 1912.

"Smedley street, from Rockland to Ruscomb street. Introduced September 19, 1912,

was referred by me to the Road Bureau of this Department, and I am informed that, so far as it knows, there are no objections to placing any of the streets mentioned upon the City plan.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 6, 1912.

Purchase from American Ice Co. of Pier 39, South.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 4th inst. relative to your negotiations with the American Ice

Company for the purchase of wharf property owned by it on the Delaware river, between Catharine and Queen streets, known as "Pier 39, South."

In my judgment, the proper method of procedure would be to submit to Councils an ordinance authorizing your Department to enter into an agreement with the Ice Company upon such terms as may finally be agreed upon, which terms should be embodied in the ordinance.

Upon making inquiry in the Conveyancing Department of this office, I am informed that there is not on file any agreement with the Pennsylvania Railroad Company for land acquired in connection with the construction of the municipal pier at the foot of Vine street, such as you thought was in existence, and might be of some service as a form; and upon telephoning to the office of the Pennsylvania Railroad Company, we are informed that those in charge of that company's real estate department have no knowledge or recollection whatever of any such agreement.

I may further state that I am informed by those in charge of the Road Bureau of this Department that in the proceedings for the widening of Delaware avenue the American Ice Company has fixed as its *maximum* valuation of this property the figures which in its negotiations with you it is insisting upon as a *minimum* valuation. In that proceeding this office expects to prove by competent testimony that the valuation so made by the Ice Company is an excessive one. To now agree in your negotiations that what the company has thus heretofore fixed as a maximum valuation is but a minimum one might operate to the prejudice of the City's case in the contest before the Road Viewers.

I submit these facts to you for your consideration.

Very truly yours.

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 6, 1912.**Contract with Philadelphia Electric Co. for electric current at Belmont Pumping Station.*

JAMES REED, JR., ESQ.,

Assistant Director of Public Works.

DEAR SIR:—I am in receipt of your letter of the 30th ult. * * * * in which you request the opinion of this Department “as to the legality of the City’s entering into a contract” under a proposition submitted by the Philadelphia Electric Company for supplying electric current at the Belmont Pumping Station. * * * * *

The proposition, in brief, is to furnish the City electric current at “a stand-by charge of so much per K. W. per year,” otherwise termed a “readiness to serve” charge, and a consumption charge of so much for each K. W. hour output at the switchboard in the pumping station, the City agreeing to a full *ten years’* use of the company’s “investment” necessary to take care of the business, and guaranteeing to the company “the consumption of at least 1,500 K. W. as a continuous load of 24 hours per day, 365 days per year, or 8,760 hours per year per K. W.,” and “should the City cancel the contract during the first five years, it shall pay the company, in addition to the above rates, the full investment cost to reach the point mentioned, said cost not to exceed \$176,139.25,” an apportioned abatement being made if the contract should be cancelled after five years and before the expiration of the ten years’ period.

I am of opinion that such a contract would be illegal.

Without discussing the effect of the covenant to pay for the company’s “investment” in addition to paying for the electric current to be supplied, it is sufficient to point out that the suggested agreement would be a contract for supplying electricity to one of the City Departments for

a period of ten years, whereas appropriations for supplies, as you are aware, are made annually and to cover a period not exceeding one year.

In considering an inquiry as to the right to let contracts for garbage disposal for more than one year, I wrote to Director Cooke of your Department, under date of July 20, 1912, calling his attention to the provisions of Section 3 of the Act of June 11, 1879 (P. L. 130), and saying:

“That Act provides that:

“No city of the first class, no head of any department thereof, and no commission, board or trust, or any other agent, officer, or employee of either or any thereof, exercising any powers of government therein, either in the making of contracts, the approval thereof, or in the authorization of the expenditure of the money of said cities of the first class in any manner whatever, shall hereafter make any contract without a previous appropriation has first been made by the said Councils * * * and any contract made * * in violation of the requirements of this Act shall be absolutely void as against said cities.”

“The foregoing provisions of law make it necessary that every municipal contract in the City of Philadelphia must be preceded by an appropriation of money sufficient to meet the requirements thereof; and it follows that in the absence of an appropriation by Councils in a sum large enough to cover the expenditure called for by it for its entire term, such a contract would be without legal validity. The difficulty could readily be overcome by appropriate legislation if, after mature deliberation, a change is desirable.”

The opinion thus expressed covers the question submitted in your letter.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*In re Clarke Interlock Commission.**Philadelphia, December 7, 1912.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 6th inst., enclosing a communication from Messrs. Gilpin, Timm and Bonnie, a Commission appointed in accordance with Section 30 of the ordinance of April 15, 1908, page 106, to consider the appeal of John T. Clarke from the decision of the Chief of the Bureau of Elevator Inspection.

The Commission requests an opinion as to whether it is its duty to consider the type or design of apparatus that Mr. Clarke markets, or whether it is concerned only with the specific and particular installation concerning which the controversy arises; whether the Commission is empowered to decide the case solely on its own merits and the law, or is it compelled to consider the opinions of the Chief of the Bureau of Elevator Inspection or of other Inspectors whose opinions have been filed; and whether the Commission is required to hold public hearings and listen to testimony, or whether it is empowered as a Board of Expert Engineers to alone examine the apparatus and decide if the engineering features meet the legal requirements.

The ordinance is wholly silent upon these subjects. The first appeal is given by any person who may feel aggrieved by the decision of any Elevator Inspector to the Bureau, and a subsequent appeal from the decision of the Chief of the Bureau and the four Inspectors to be designated by the Director of the Department of Public Safety to the Commission to be appointed, as the ordinance provides. I do not think that the Commission is intended to pass upon the legal aspects of the matter so much as it is designed to act as a practical body with respect to the

mechanical questions involved. Nevertheless, it should proceed in the orderly methods which common sense would dictate in order that its function may be performed properly and with full information before it.

In answer to the first question, I would say that if the decision appealed from is a special one applying to a particular building, the Commission should confine its attention to the facts involved in that case, allowing its decision to have only such incidental effect in similar cases as would naturally follow. If the decision appealed from is a ruling applicable to a type or design of apparatus generally, the decision of the Commission on the appeal should be as broad as the ruling from which the appeal arises.

Second. Is the Commission empowered to decide the case solely on its own merits and the law, or is it compelled to consider the opinions of the Chief of the Bureau of Elevator Inspection, etc.? Section 3 of the ordinance gives the Chief of the Bureau of Elevator Inspection power to order the discontinuance of any elevator which he regards as dangerous, or to condemn any mechanical part or appliance if he thinks it unsafe, and the right of appeal is from his decisions in such cases among others. While there is no compulsion imposed by the ordinance to consider the opinion of the Chief of the Bureau, that opinion would seem from the nature of the case to be entitled to fair consideration—how much weight should be given to it the Commission must determine.

In answer to the third inquiry, as to whether the Commission should hold public hearings and take testimony, or whether it may examine the apparatus as a Board of Expert Engineers and decide the question without such testimony, this is a matter within the discretion of the Commission. It is a fundamental principle, however, that no one should be condemned or his rights prejudiced without a hearing if he desires one; and it would seem proper that the opportunity be given to both parties to present and explain their respective views, the Commission thereafter taking up the question in a practical man-

ner and reaching a conclusion which, as above stated, would be concerned principally with the mechanical aspects of the matter, the safety of the public, etc.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 9, 1912.

Payment of fees for elevator inspection.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I have received your letter of the 6th inst. with the inquiry of the Chief of the Bureau of Elevator Inspection as to who should pay the fees for the inspection of elevators, the question arising as between the owner of the building and the tenant or tenants.

Section 4 of the ordinance of April 15, 1908, page 106, provides for the payment of certain fees for inspection of elevators and certificates thereof, but does not specifically state who is to pay such fees. It does provide, however, that "these fees shall be collected as fees for inspection are now collected by the Bureau of Boiler Inspection."

By the ordinance of July 13, 1868, Section 14, page 333, it is provided that the charges for inspection of boilers shall be paid by the user or users of them.

In other portions of the ordinance of 1908, relating to elevators, the owner, lessee, or tenant of the building, or any other person responsible for the running of the same, are referred to without distinction. See, for instance, Section 3.

Section 5 provides that no elevator shall be operated without having displayed therein a certificate of inspec-

tion; and Section 6 is to the effect that any person, firm, or corporation operating an elevator without having such certificate is subjected to a penalty of fifty dollars.

The circumstances under which elevators are run in various buildings are entirely diverse. In some cases different floors are let out to separate tenants, the owner of the building operating the elevator for all; in others, the entire building is leased to one tenant, who may either occupy all of it himself, or may sublet the floors, the immediate tenant operating the elevators; and so on, in almost endless variety of arrangements.

I think the person, firm or corporation which actually operates the elevator, whether as owner, tenant, sub-tenant, or otherwise, should be primarily looked to to pay the fees for inspection, and the effort should be made to collect them from such operator. The terms of the ordinance are, however, probably broad enough to sustain a claim for these fees against the owner of the building, if they cannot be recovered from a tenant or other person who may be engaged in operating the elevator.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 10, 1912.

*Readvertisement and awarding of new contracts—work
on Northeast Boulevard.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I return herewith copies of the contract and supplements thereto entered into between the City of Philadelphia and the McNichol Paving and Construction Company for work on the Northeast Boulevard, from

Second street to Rhawn street, which have been sent me by the Chief of the Bureau of Highways and Street Cleaning, stating that in the original contract payment has been made up to the limit of the contract, but in the first supplemental contract there appears to be a balance of \$70,000.58 unexpended, and in the second supplemental contract there has been no payments made and there remains unexpended the sum of \$1,000,000.

This Department is asked whether or not there has been litigation respecting these contracts and if they have been annulled by any decree of the Court, and whether the Department of Public Works can advertise and award new contracts therefor.

In the case of *Lewis vs. Philadelphia*, decided on March 18th last, and now reported in 235 Pa. 260, the Supreme Court held that so-called supplemental contracts, entered into without advertisement for new bids, were illegal and void. Shortly after that decision, on April 8th of this year—more than eight months ago—I sent you an opinion in which I called your attention to the legal doctrine enunciated in that case and in the case of *Smith vs. Philadelphia*, 227 Pa. 423, and said:

“I therefore advise that not only as to the League Island Park project, but as to the Fairhill high pressure fire service system, the Northeast Boulevard, the Queen lane filter plant, and any other uncompleted public improvements where, until the suspension thereof, the work was being done under supplemental contracts, now stamped by the Supreme Court as illegal and invalid, it becomes the duty of the Department of Public Safety and of Public Works, respectively, when and as the necessary moneys becomes available, to promptly proceed, in accordance with the statutes and ordinances as above recited, to estimate in each case upon the whole cost of the work, to advertise for bids for all the work and materials required, and to award the contracts for the completion of the work to the lowest responsible bidder.

“No other course is tenable.”

I now reiterate the advice thus given you, that your Department should advertise for bids for the work, and should enter into new contracts for the doing thereof.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

*Regulation of the peddling of fruit, vegetables, etc., on
the highways and footways.*

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of the 4th inst. from the Chief of the Bureau of City Property, with your approval endorsed, in reference to what is deemed a violation of the ordinance of April 11, 1893, to regulate and restrain the hawking, vending and peddling of fish, fruit, etc.

Section 2 of this ordinance provides that licenses shall only be granted to citizens of the United States. Section 3, however, provides for the granting of more than a single license to one person, the intention evidently being that one person may have numerous carts, wagons, etc., each of which must be provided with a license.

Nothing appears in the ordinance making it necessary that the driver or person in charge of each vehicle shall be a citizen of the United States, and if it be desirable that this should be required, the only method in which it can be done is by having the ordinance amended.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

Removal of snow from between the car tracks.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 12th inst., enclosing correspondence relative to the removal of snow from between the car tracks, and requesting the judgment of this Department upon the subject.

The requirements placed upon the Passenger Railway Companies to remove snow from the streets which were imposed by the ordinances of July 7, 1857, and April 1, 1859, have been in effect abrogated by the tenth section of the contract between the Philadelphia Rapid Transit Company and the City, which was authorized by ordinance of July 1, 1907 (page 153). By that section of the contract fixed annual payments, beginning with the yearly sum of \$500,000 and increasing from time to time to \$700,000, were provided for, to be "in lieu and satisfaction of all obligations and liability on the part of the company and its subsidiary companies for the paving, repaving and repair of the streets occupied by their surface lines, the obligation of the companies with respect to the removal of snow therefrom," and other obligations therein mentioned.

The Transit Company does not remove the snow from between its tracks because it is required to do so by law or ordinance, but for its own convenience and that of the public in running its cars, and the question relates to the manner in which this may properly be done rather than to any legal liability to remove the snow.

As to the manner in which it is permissible for the company to dispose of the snow so removed, it is impossible to give an answer which shall not be more or less definite. The duty of the Transit Company is to cause as little obstruction to the highways and as little inconvenience to

those using them as is practically possible, and without unreasonably burdening that company it may be required to take such measures as will minimize the inconvenience so occasioned.

I do not think I can do better than to place before you the views upon this subject expressed by Rice, *P. J.*, the able and eminent President Judge of the Superior Court, as stated in the case of *Stanton vs. Traction Company*, 11 Superior Ct. Reps., page 180. The extract from his opinion necessary to indicate his thought upon the question is too long to be embodied in this opinion, and I am therefore sending it to you separately. It will be found on pages 199-200 of Volume 11 of the Superior Court Reports.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

In re care of indigent children committed by the Courts.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—In reply to your inquiry whether, as Director of your Department, you assume the position of the Guardians of the Poor and become liable for the care of indigent children committed by the Court, under the Act of January 11, 1879, I beg to advise you that, by Article X of the Act of June 1, 1885 (Bullitt Bill), and Act of April 8, 1903 (P. L. 155), amending the former Act, the Department of Public Health and Charities succeeded to the functions of the former Guardians of the Poor in this county. Section 12 of the Act of January 11, 1879, provided for the committing by the Courts and Magistrates of minors in certain cases to the care of the Guardians of

the Poor. This, however, meant a committal to the Guardians in their official character, not personally—that is to say, to the Poorhouses in the respective counties in the same manner a committal under the Act in Philadelphia, while officially placing the minor in the care of your Department, would not make you liable for the care of such children, but would simply require that they be placed in the proper public institution here.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

In re driving cattle, sheep and swine on City streets.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—Your letter of the 12th inst., in reference to the driving of cattle, sheep and swine on City streets, and enclosing copy of a letter to yourself from the Superintendent of Police, is duly received.

The subject is governed by the ordinance of December 28, 1894, page 527, which provides:

“SECTION 1. That it shall be unlawful to drive horned cattle, sheep or swine through the streets between the hours of 5 A. M. and 8 P. M. or at any time on Sundays.

“SECT. 2. That if horned cattle, sheep or swine die on the highway or become so exhausted or injured as to be unable to proceed, it shall be the duty of the owner or person in charge to have such dead, sick or injured animal removed within two hours.

“SECT. 3. That it shall not be lawful to drive cattle, sheep or swine in droves of more than 30 cattle,

50 hogs or 100 sheep; that droves shall be kept not less than 500 feet apart; that no drove shall be in charge of less than two persons, and that bulls and cows shall not be driven in the same drove.

"SECT. 4. That it shall be lawful to lead cattle by the halter through the streets at any time, provided that not more than two animals shall be so led at the same time by one person.

"SECT. 5. That it shall not be lawful to drive horned cattle, sheep or swine upon that portion of any streets which bounds upon any public square.

"SECT. 6 makes it a nuisance to violate any of the provisions of the ordinance, and subjects the offender to a penalty of \$10 for the first and each subsequent offence for each animal driven in violation of the provisions of the ordinance.

"SECT. 7 repeals all inconsistent ordinances or parts of ordinances."

In reference to the suggestion of the Superintendent of Police that the driving of sheep at any time during the 24 hours of weekdays is not prohibited, providing there are not more than 100 sheep and that they are kept not less than 500 feet apart from other droves and are in charge of not less than two persons—I cannot find any reason for this conclusion. As already seen, the first section of the ordinance classes sheep with horned cattle and swine, and makes it unlawful for any of them to be driven "through the streets of Philadelphia from the first day of January to the 31st day of December, between the hours of 5 A. M. and 8 P. M." Unless this provision is modified by some later ordinance upon the subject, and I am aware of none, the driving of sheep through the streets after 5 A. M. and before 8 P. M. is made a nuisance punishable in the same manner as any other violation of that ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

*In re sale of stray horses, other animals and all goods found
abandoned on the highways.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry with respect to the sale of stray horses and other animals and all goods found abandoned on the highways, together with copies of correspondence of the Superintendent of Police and the Chief Clerk, Bureau of Police, upon the subject.

The ordinance of April 3, 1909, authorizing the sale of old waste, condemned or discarded material, etc., referred to, has no bearing upon the question, as it does not extend to articles found upon the highways or elsewhere.

With respect to horses and other animals, the ordinance of March 1, 1855, page 82, Brown's City Digest, 1354-55, makes it unlawful for "any horse or horse kind, cow, heifer, bull or steer, sheep or sheep kind, or any description of cattle whatsoever, or hog, sow, shoat, pig or goat (or geese in the Twenty-second Ward, ordinance November 15, 1869, p. 422) to go at large on any of the highways of the City," or in public squares or parks, or any unenclosed field, common or piece of land; and, by Section 2 of that ordinance, it is provided that all animals mentioned in the first section found going at large shall be deemed forfeited, and shall be taken up and sold by such of the police officers of the City as the Mayor may depute for such purpose, provided that no sale shall be made of such animals before notice of the time and place thereof be published in two daily newspapers, and the owners may redeem the same before sale upon paying all expenses then incurred and the amount of the fine, which is fixed at \$5 for each animal, in addition to forfeiture, by Section 3 of the ordinance of May 9, 1868, page 192.

With regard to articles other than cattle or like animals, I quote from an opinion upon the subject sent you on September 16th last as follows:

"I find no provision by ordinance or otherwise covering this subject. The usual course in such cases is to retain the articles thus found for a reasonable period—say, one year—and if not called for and identified, to sell them at public sale after due advertisement.

"Where the finder of the article (not an employee of the City) is known, and the loser does not call for it, the former is entitled to it. You will, of course, also understand that when the thing found has unusual value, or where for any special reason it is desirable to hold it for a longer period, or to make particular efforts to discover the owner, this should be done.

"Perhaps it would be well to have an ordinance passed which would provide fixed and definite regulations with respect to the matter."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 13, 1912.

*Notice to build retaining wall to David H. Stroud,
Uber and Ontario streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 6th inst., transmitting a communication from the Chief of the Bureau of Highways and other correspondence relative to notice served on David H. Stroud, owner of prop-

erty southwest corner of Uber and Ontario streets, to build a retaining wall around the embankment upon that property abutting upon the highway. Mr. Stroud states that he is advised by counsel that the City, having dug down and excavated these streets, it is the duty of the Municipality to protect the soil either by a retaining wall or other means, and that he is not obliged to build a retaining wall, as required by the notice sent him.

I learn that the property in question was damaged by the change of grade made necessary in the abolition of grade crossings along the line of the Philadelphia, Germantown and Norristown Railroad, Mr. Stroud appearing before the Road Jury and claiming damage for lowering his lot to the grade made necessary by the improvement, and also for retaining walls on two sides of his property next to the adjoining properties; that the jury awarded him the sum of \$5,300 for such damage, from which award both he and the City appealed, and that the matter is now pending and undisposed of.

By ordinance of July 16, 1909, page 226, it is made a nuisance to permit dirt to be washed down upon the sidewalk from any lot of a higher grade than such sidewalk, and the Chief of the Bureau of Highways is authorized to notify the owner or persons in charge thereof of the condition of the lot, and to require that within ten days after such notice it be fenced or graded back, or fenced and graded back, so as to protect the sidewalk and prevent the washing down of dirt or mud thereafter. The penalty for failure to comply with such notice is fixed at \$10 dollars, with an additional penalty of \$5 for each day after the expiration of the term of the notice which shall elapse before it is complied with.

I would recommend that the notice be given, and, if necessary, that proceedings be begun as required by the terms of the ordinance of 1909. This being the remedy provided by the ordinance, resort to it should be had, at least in the first instance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 16, 1912.**Exemption from payment of water pipe and other City claims of the Evangelical Home for the Aged.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works,

DEAR SIR:—I am in receipt of your letter of recent date, with respect to the exemption of the Evangelical Home for the Aged from claims for water pipe, etc., under the Act of June 4, 1901, upon the ground that it is a purely public charity. You accompany your letter with a copy of a communication from the Chief of the Bureau of Surveys and of the report of the Surveyor and Regulator of the Fifth District on the subject. The latter has included the Home among the properties against which liens should be filed for the respective public improvements, and states certain facts upon which he bases his judgment. These facts are not sufficiently specific and detailed to permit of a positive judgment upon the matter.

If the Evangelical Home has nothing to submit in support of its claim except the addition of the words "and others" in its charter as the objects of its charity, in addition to the members of a particular denomination, the District Surveyor is right in holding that this alone would not make the institution one of purely public charity within the meaning of the Act of 1901. The question is rather to be determined by the actual usage and practice of the Home. If it really extends its charity to all who may be in need of it, irrespective of their religious beliefs, it may properly be termed an institution of purely public charity, but if it does not do this, but confines its benevolence to the members of any religious sect or sects, it is not a purely public charity and should not be exempted from payment for those improvements for which exemption is provided in such cases by Section 5 of that statute.

The District Surveyor says: "In my opinion, the officers of this institution do impose certain restrictions upon applicants, but whether these restrictions are within the meaning of the Act can only be definitely determined by the Law Officer of the City, and I prefer that he should pass upon it."

It is impossible to pass upon this question without knowledge of what such restrictions are and how they actually operate.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 16, 1912.

Interpretation of ordinance requiring payment for each attachment to City poles.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a further letter from the Chief of the Electrical Bureau, approved by you, in reference to the proper charge for electrical attachments to poles owned by the City.

The first opinion of this Department upon the subject, dated November 29 last, was predicated upon the supposition that the two attachments shown in the sketch accompanying the letter from the Chief of the Bureau were mechanical equivalents; also, that it had been the uninterrupted usage since the passage of the ordinance of December 21, 1880, to regard the two connecting wires as but one attachment. I suggested that the latter claim be verified, and I am now advised that investigation shows the contrary, to wit: that a separate charge of 50 cents, as provided by the ordinance, has been made for each insulator, not only to the other companies using the City

poles, but also, at least in some cases, to the company concerning which the specific inquiry was made.

The question suggested is rather an electrical or mechanical than a strictly legal one, and, in view of the matters now appearing, I see no impropriety in making a charge of 50 cents for each insulator, or of \$1 where the attachment is a double one, requiring two insulators to connect it with the pole.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 17, 1912.

Condemnation of property for site of Convention Hall.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—In reply to your inquiry of this morning whether the City may condemn property for the site of a Convention Hall, I do not find that that power has been conferred upon the Municipality. The Act of March 14, 1907 (P. L. 12), which gives more extended authority than any other statute to the cities of the State to take property by eminent domain, applies to necessary municipal buildings, fire engine houses, gas and electric light works, together with an enumeration of other municipal buildings, but not including a Convention Hall. I do not think that such a structure could be regarded as a "necessary municipal building" within the meaning of the law.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 18, 1912.**Reduction of Bond of Philadelphia Ship Repair Company.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your inquiry of December 3d, whether the bond of the Philadelphia Ship Repair Company, under their contract with the City of August 29, 1910, for repairs to the dredging plant which the City owns, may be reduced. Such reduction has been requested upon the ground that, while the original amount of the contract was \$18,000 and bonds for faithful performance were furnished accordingly, the amount of work remaining to be done at this time is but \$8,000, and it is likely that a year or more may elapse before the contract is entirely completed—the contractor in the meanwhile being required to pay premiums on the surety bonds for the larger amount. This is represented to be a hardship upon the contracting company, and you suggest that, if there is no legal obstacle in the way, it would be only just to permit the bonds to be reduced.

I do not find any authority on your part to make this reduction, in spite of the equitable considerations which you refer to.

The ordinance of December 29, 1885, permits new bonds to be furnished in certain cases where the contract has been altogether completed and the security is only for the maintenance of the work, but there is no ordinance giving the like power where the work under the contract is still in process of completion.

In view of the facts which you state, an ordinance might be introduced for the purpose of affording the relief asked for in this particular instance, or possibly a general ordinance applicable to all similar cases, but,

until Councils shall act in the matter, it would not be legal to reduce the bond as the contractor desires.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 19, 1912.

Unconstitutionality of Act regulating hours of labor.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I have received your letter of the 18th inst., relative to the Act of July 26, 1897 (P. L. 418), relating to the hours of labor in the doing of work for cities.

As you state, this Act was declared by the Supreme Court to be unconstitutional (Comm. *vs.* Casey, 231 Pa. 170), and no reference to the statute is made in contracts as now prepared by this Department.

In view of your notice to the Butler Brothers Construction Company it might be well for you to write to that company stating that since your conversation with their attorney you have learned of the unconstitutionality of the Act, as declared by our Court of final resort, and that you will therefore not attempt to enforce its provisions.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 20, 1912.

In re Seventy-second street bridge.

GEORGE S. WEBSTER, ESQ.,
Chief Engineer and Surveyor.

DEAR SIR:—In the matter of the Seventy-second street bridge, the contract for the construction of which your Department has entered into under authority of the ordinance of Councils approved July 1, 1912, permit me to say that the City would have no right to enter upon the street to do any work until the bond has been filed, and I have advised the preparation and immediate filing of the same.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 20, 1912.

In re right of tenants of stores, etc., to rent part of sidewalk.

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I have received the letter of the Superintendent of Police, approved by you, dated December 16th, inquiring as to the right of tenants of stores and other properties to rent part of the sidewalk to other persons or permit the use of it free of charge for the purpose of selling toys or other merchandise.

The subject appears to be governed by the decision of the Supreme Court rendered in 1893 in the case of Phila-

delphia *vs.* Sheppard, 158 Pa. 347. In that case the City filed a bill in equity to enjoin the continuance of a fruit stand, measuring some 27 feet in length, at the corner of Eighth and Walnut streets. It was found that the stand did not project beyond the distance of four feet three inches from the building line, as fixed by Section 3 of the ordinance of December 24, 1864, and for that reason the application of the City for an injunction was refused in the lower Court and the decision of that tribunal affirmed by the Supreme Court. The lower Court, in disposing of the matter, stated its opinion to be that:

“Section 3 of the Act of April 16, 1838, had placed in the City of Philadelphia the power to regulate the whole subject by ordinance, and that, if the ordinance approved December 24, 1864, was not intended to give permission to the nuisance complained of, it should say so in terms not liable to be misunderstood.”

The Appellate Court in discussing the subject used the following language:

“It will be conceded, we think, that the City ought not to come into a court of equity for the purpose of restraining the appellees from maintaining their candy and fruit stand, and of compelling them to take it down and remove it, if such stand was erected and maintained by them under and in accordance with its own ordinances. If the City, by its ordinances, declares that it shall be unlawful to place any goods, wares or merchandise for sale upon part of the footway in front of any house or premises from the line of any street 50 feet and upwards in width to a greater distance than four feet and three inches, there is a reasonable if not a necessary implication from the ordinance that the City will permit the goods, etc., to be placed for sale on the footway within such limit. The erection of suitable stands on which to exhibit the goods thus allowed to be placed on the footway for sale cannot be justly regarded as a violation of such ordinance, because

it is the encroachment on the footway beyond the prescribed limit, and not the placing of the goods on shelves or stands two or three feet above the footway within it, that is declared to be unlawful. This was the construction which the appellees and all other persons who placed the goods, wares and merchandise on the footway for sale put upon the ordinance of December 24, 1864, referred to by the learned Judge of the Court below, in the language above quoted, and we cannot say that it was an unwarranted or unreasonable construction, in view of the City's long continued and unbroken acquiescence in it. We find, too, that by the ordinance of December 6, 1871, the City, with the consent of the Commissioners of Markets and City Property, and with the approval of the Committee on City Property, allows cake, fruit and other stands to be erected adjoining or in front of its own property; and we will not presume that it intended thereby to forbid a like use of the footway in front of individual property, if the owner thereof consented to it. These ordinances were passed in execution of the power conferred on the City by Section 3 of the Act of April 16, 1838. If they were not intended to allow an obstruction such as is complained of in this case, they should be revised so that they will plainly declare in what manner and how far from the building line the City will permit goods, wares and merchandise to be placed on the footways for sale.

"We do not deny that the City may be a competent party in proceedings for the removal of obstructions from its streets, nor do we question the soundness of the well-settled principles which protect the rights of the public in them. But we think the City has no standing to invoke the aid of a court of equity to remove an obstruction authorized by its own ordinances."

The terms of the ordinance of 1864 have not been revised since the decision in the Sheppard case, and I am therefore of opinion, and so advise you, that the tenants

or owners of stores and other properties may use, or rent, or permit the use, free of charge, of that portion of the highway immediately in front of their property, and not extending more than four feet three inches therefrom, for the purpose of exposing goods for either exhibit or sale.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 20, 1912.

To the Presidents and Members of the Select and
Common Councils of the City of Philadelphia,
and to the Chairman of the Finance Committee.

GENTLEMEN:—In view of the action of your Honorable Bodies in returning to the Committee on Finance the various City appropriation bills for the year 1913, I deem it my duty to call to your attention the absolute necessity of the passage and approval of such ordinances within the next ten days, or before the first of the coming January.

The Act of June 11, 1879 (P. L. 130), provides, among other things, that:

“The City Controller shall not countersign any warrants (except for payments of interest and for sinking fund) pertaining to any of the appropriations until the said Councils shall have first passed all appropriations necessary for the expenses for the current year of each department, board, commission or trust connected with said city; nor shall said officer countersign any warrants, except as aforesaid, until the total of all appropriations, all estimates and other lawful obligations shall have been brought within the sum yielded by the tax levy and average income from other sources ascertained as aforesaid;

and any appropriation or expenditure in excess of this total shall be void and shall have no binding force upon the municipality."

Under the foregoing provisions it is necessary that all of the appropriations deemed requisite for the maintenance of the various Departments of the City and County Government for the year 1913 shall be passed and approved before warrants can be drawn, even against any of such contracts as may be authorized by ordinances already enacted. Before countersigning any of the City contracts, as required by Articles 7 and 14 of the Act of June 1, 1885 (Bullitt Act), even under appropriations already made, the City Controller properly regards it as his duty to have before him all of the appropriations for the government of the municipality during that year, in order that the items may be verified and compared with the estimates, and that no contract shall be countersigned by him, and thus given legal validity, until the directions of the Act of 1879 shall have been complied with and the total of the expenses of the City brought within the available revenue. Therefore, no contracts can be executed and countersigned on the part of the City until all of the annual appropriations shall have been made.

Furthermore, in the case of *Bullitt vs. Philadelphia et al.*, No. 2, 19 D. R. 1091, the then executive officials of the City and the City Controller, who is still in office, were enjoined from drawing or countersigning warrants for supplies of work or material to the City in the absence of antecedent appropriations therefor. Many of the things required by the City are of such a character that they must be supplied continuously, and very great injury would ensue if there were suspension in procuring them, however brief. Thus it is in the highest degree necessary that the garbage should be removed, that the streets of the City should be cleaned, that electric and other lighting should be furnished, that those in confinement in the penal and charitable institutions of the City and county should be fed and otherwise provided for—all of which things must from their nature be done without

intermission. After the appropriations shall have been made time will necessarily be consumed in the signing and countersigning of the contracts and in the necessary tabulations and comparisons to be made by the City Controller as above indicated. For these reasons it is of the utmost importance that all of the appropriations necessary for the conduct and maintenance of the City and County Government and its various branches and Departments during the year shall be made in time to admit of the taking of the necessary steps to insure the completion of the contracts and the furnishing of the required work and supplies without lapse and immediately upon the opening of the new year, and I therefore urge that no circumstance may be permitted to interfere with the due passage of all of the annual appropriation ordinances, so that they may be approved by his Honor, the Mayor, before December 31, 1912.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 20, 1912.

In re Cobb's Creek properties.

HON. RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

DEAR SIR:—Your letter of the 17th inst., in which you say that a few days ago Mr. Faries was present representing me in a conversation that you had with Mr. W. H. H. Quick and another gentleman with reference to Cobb's Creek properties, and stating that the question arose as to when the appropriation or taking of the property by the City took effect, whether from the signing of the ordinance

or the filing of the bond of the City, and saying that you would be glad if I would kindly advise you on this point, was referred by me to Mr. Faries, and his reply, which follows, I send to you:

"MICHAEL J. RYAN, Esq.,
"City Solicitor.

"DEAR SIR:—I beg to return herewith letter of Rudolph Blankenburg, Mayor, to you, dated December 17, 1912, inquiring when the appropriation or taking of the property by the City took effect under the ordinances for the taking of the properties along Cobb's Creek Parkway, whether from the signing of the ordinance or the filing of the bond by the City.

"The conversation to which his Honor, the Mayor, refers took place some days ago, and there were present Mr. W. H. W. Quick and Dr. Bernard McMackin, and referred to that portion of Cobb's Creek Park and Parkway condemned under ordinance of December 14, 1910. Section 2 of this ordinance provides as follows:

"'The Mayor is hereby authorized and directed to enter security, in the name of the City of Philadelphia, for the payment of any damages that may be awarded by reason of the taking of said ground, and thereupon possession of the same shall be taken for public use.'

"I wrote you rather fully on this subject on November 26th in reply to a letter of Geo. S. Webster, dated November 17, 1912, and I am of the opinion that the date of the taking is from the date of the ordinance, irrespective of whether the ordinance provides for the filing of a bond or not. As stated in that communication, however, this taking is not absolute so as to prevent the repealing of the ordinance unless the proceeding for the taking is concluded to a definitive judgment. If this is done, the taking refers back to the date of the ordinance,

but at any time before such definitive judgment, or payment of an award made, or entry upon the property and the taking of any action by the City evidencing possession, the City would have the right to repeal the ordinance.

"In answer, therefore, to the inquiry of his Honor the Mayor, I would state that in this case the right of compensation accrues to the owner of the property from the date of the ordinance, and he would be entitled to damages, which should include the value of his property at the date of the ordinance, and an additional amount as compensation for the detention of the property from the time of the passage of the ordinance until payment of the damages.

"Very truly yours,

(Signed) "EDGAR DUDLEY FARIES,
"Assistant City Solicitor."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 21, 1912.

Appropriation ordinance, Department of Supplies, 1913.

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—Relative to the form of appropriation ordinance for the Department of Supplies for the year 1913, which you have submitted to me, this form differs from those of past years principally in that the appropriations are itemized for the various articles for the use of the Departments, and are not again sub-divided so as to show

the amount set apart for the separate Bureaus in each Department. In the matter of grouping they are also, perhaps, of a somewhat more general character than has been customary.

I do not find, however, that the generality of the appropriation is of such a degree as to be in violation of law. The matter is entirely for the judgment of Councils so long as they respect the statutory obligation with regard to the itemization of the appropriations. If those Bodies consider it advisable to make the appropriation to the Department of Supplies in the form proposed, I do not think such action would be open to legal objection.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 21, 1912.

P. W. 27,532—Substitution of gas lamps for gasoline lamps—contract with U. G. I. Co.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 18th inst. with respect to a proposed ordinance authorizing a contract for the substitution of gas lighting to be supplied by the United Gas Improvement Company in place of lighting by the gasoline lamps now in use.

I have already stated to you under date of November 18th last that there is no necessity to advertise for bids for this service.

With respect to the two forms of ordinance suggested and which are herewith returned, I think that the one marked "No. 2" is somewhat clearer than "No. 1." Neither, however, contains any clause as to when pay-

ments are to be made, whether monthly or otherwise, and neither embraces any provision for allowance to the City in case any of the lamps remain unlighted at any time. These omissions should be remedied, and I would suggest the addition to Form No. 2 of a third section, substantially as follows:

“SECT. 3. Bills under the said contract shall be rendered by the United Gas Improvement Company to the City of Philadelphia (monthly, quarterly or as may be deemed advisable), and it shall be the duty of the City Controller to require said company, through a proper representative, to make affidavit before him that all of the lamps provided for in said contract have remained lighted during all of each night in the entire period covered by such bills, which bills shall thereupon be audited by the said Controller, and if it shall be established to his satisfaction that any of the said lamps have remained unlighted during any part of said period, there shall be deducted from the amount payable by the City as aforesaid the sum of
for each night or part thereof which said lamp shall have remained so unlighted.”

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 23, 1912.

*P. W. No. 29,163—Issuance of several vendors' licenses
to one person*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 21st inst., supplementing your request of December 4th for

an opinion, and inquiring whether it is your right to issue any number of vendors' licenses to the same individual so long as he is a citizen of the United States.

Section 2 of the ordinance of April 11, 1893, page 216, provides that licenses shall only be granted to citizens of the United States. Section 3 provides that:

“For each and every cart, wagon, dray, wheelbarrow, or any vehicle used for the purpose of hawking, vending, and peddling fish, fruit, vegetables, produce, wares or merchandise, a separate license shall first be obtained by the owner thereof, and in all cases where more than one license is taken out by any person, co-partnership, or corporation, the fact shall be noted upon said additional license in its numerical order * * * * *

It is quite clear from this language that it is not only the privilege of any one person to secure more than one license, but that he is absolutely required so to do if he have more than one cart, wagon, etc., in use for the purpose of hawking or vending, and the corresponding right and duty exists upon the part of your Department to issue to any applicant, being a citizen of the United States, the license or licenses which he is thus obliged to take out.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 24, 1912.

Status of stolen goods in the hands of pawnbrokers.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of an inquiry from Robert D. Cameron, Captain of Detectives, approved by you,

with respect to stolen goods which may be located at a pawnbroker's. An opinion is desired whether authority exists to demand the return of such property, first, where the thief is not arrested, the goods being pledged before the notice from your Department reached the pawnbroker; and, second, where the goods are located and the thief is arrested.

In either case the owner of the property is entitled to its return without payment of the advances. The arrest of the thief will, of course, facilitate the owner's efforts in proving that the goods have been stolen, but in any event his title to them is not divested by the theft or affected by the fact that a pawnbroker or any one else may have loaned money upon the goods, or, indeed, may have purchased them outright, without notice of the true ownership. In either case the title to the stolen property remains in the owner, and he can maintain an action for their return without paying the money advanced upon or paid for it by any person either to whom the thief may have transferred it, or who has received it from some third party to whom it may have been passed by the thief.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 26, 1912.

Suppression of sale of theatre tickets through agents located in hotels.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of 24th inst. whether there is any provision in the law which will enable you to suppress the sale of theatre tickets through

agents located in hotels, and whether any plan can be suggested by which this practice can be stopped.

Our Supreme Court said, in the case of *Horney vs. Nixon*, 213 Pa., p. 20 (25):

“The proprietor of a theatre is a private individual, engaged in a strictly private business, which, though for the entertainment of the public, is always limited to those whom he may agree to admit to it. There is no duty, as in the case of a common carrier, to admit every one who may apply and be willing to pay for a ticket, for the theatre proprietor has acquired no peculiar rights and privileges from the State, and is, therefore, under no implied obligation to serve the public.”

Under the law as thus laid down by the Court, there is no authority enabling you to suppress the sale of theatre tickets at enhanced prices by agents located in hotels or in places other than upon the streets and highways or in front of theatre buildings. The only plan by which the practice complained of can be stopped is to have the Legislature enact a law making such sales of theatre tickets unlawful, or extending the provisions of the Act of June 13, 1883, P. L., p. 96, known as the Ticket Scalping Act, so that it will cover hotels and other places as well as the streets and highways and places in front of theatre buildings, to which it now is limited.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 27, 1912.**As to signing of warrants, etc., in absence of Director.*

WILLIAM K. JOHNSON, ESQ.,

Secretary, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of your favor of this date stating that Director Norris has been ill for several days and will probably not return to the office for the balance of the present year, and inquiring whether some arrangement may be made by which the Assistant Director may sign warrants due December 31st, and sign and approve bills for supplies purchased and work done during the month of December, and also whether he may endorse the one contract which is ready for that action.

Section 4 of the Act of June 8, 1907, 488, creating the Department of Wharves, Docks and Ferries, provides that:

“The Director shall have power to appoint one Deputy Director, who shall, at the time of his appointment, be a practicing civil engineer. In the absence or inability of the Director to act, said Deputy Director shall possess all the powers and perform all the duties of the said Director, until the incapacity or inability of the Director is removed or until a new Director is appointed.”

This language, which is peculiar to the Department of Wharves, Docks and Ferries, is in my opinion broad enough to permit the Deputy Director to perform the acts concerning which you inquire; and if no Deputy Director has been appointed, Director Norris can, by signing a paper appointing the Assistant Director to be his Deputy, confer the necessary power upon him.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 30, 1912.**In re contract with Bell Telephone Company.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of this date stating that being about to enter into a contract with the Bell Telephone Company for the year 1913, that company has increased the charges to the City by about 25 per cent., which increase it is your purpose to contest. You inquire whether the company could refrain from rendering service to the City in the event of your refusal to execute a contract, and you say "it has occurred to me that the telephone service is a public necessity to the extent that we could demand service under police power."

The Telephone Company is a public service corporation, and as such it is obliged to render service to all who may apply for it upon equal terms and without undue discrimination. If the City tenders a contract for services by the Bell Telephone Company at the usual, proper and lawful rates, and that company should refuse to enter into such contract or furnish services thereunder, it could doubtless be compelled so to do, but I do not think services could be demanded under what is known as the "police power," or otherwise than in the circumstances above indicated.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 31, 1912.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a communication from Dr. H. R. Owen, Chief Surgeon of your Department, inquiring whether the police have a legal right to subject persons taken into custody upon a charge of rape to a physical examination.

Your question is directed to the right of the police to make the examination, and in answering it, I express no opinion upon the competency or evidential value in a court of justice of facts secured in such a manner. I do not find any authority in this State upon the question which you ask.

There are certain phases of the general question, however, which are scarcely open to doubt. Such an examination can always be made with the consent, either express or implied by submission without objection of the person examined. The debatable question only arises when the examination is sought to be made over the protest and objection of the accused. For general hygienic purposes, the maintenance of sanitary conditions in prisons and jails, the diagnosis and cure of diseases among prisoners, and other obviously proper purposes, the police have the undoubted right to subject persons in custody to physical examinations and treatment.

If, however, the examination is to be made for the purpose of securing evidence against the accused, and he protests against it, the question arises whether such an examination would amount to a technical assault and battery. The authorities outside of this State are conflicting upon this question. I am of opinion, however, that the weight of authority is opposed to the right of the police to make the examination under such circumstances. This view is in accord with the fundamental principles of our

liberties and is consonant with our ideas of natural justice and the constitutional right of the citizen to decline to give evidence against himself.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

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